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The situation in Afghanistan

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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/11 and Security Council resolution 2344 (2017), in which I was requested to report every three months on developments in Afghanistan.

2. The report provides an update on the activities of the United Nations in Afghanistan, including political, humanitarian, development and human rights efforts, since the issuance of my report of 3 March 2017 (A/71/826-S/2017/189). It also provides a summary of key political and security developments and regional and international events relating to Afghanistan.

II. Relevant developments

3. The National Unity Government made some progress on priority reforms, as well as on high-level appointments. Afghan authorities advanced electoral preparations with the approval of a polling centre assessments package. The reporting period was otherwise dominated by the return to Afghanistan of Gulbuddin Hekmatyar, leader of the Hizb-i Islami (Gulbuddin) faction. Hekmatyar's return took place at a time of flux in Afghan politics, which is partly driven by increased jockeying among political figures ahead of the 2019 presidential elections. The First Vice-President, Abdul Rashid Dostum, left the country in mid-May reportedly for medical treatment in Turkey, his Junbish-e Milli party became increasingly vocal in its opposition to the Government, and personalities within the Jamiat-e-Islami party started positioning themselves. Meanwhile, there was no discernible progress on peace talks between the Government and the Taliban. An increase in multilateral engagement at the regional level was, however, observed. Afghanistan and Pakistan made efforts to improve relations despite occasional border clashes. The security situation remained very volatile, with an

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increase in security incidents in the first five months of the year over the same period in 2016. On 31 May, Kabul witnessed a suicide attack, which killed at least 65 people and injured more than 300, further straining the already fragile political situation and leading to several days of public demonstrations, some of which became violent. High levels of violence against civilians and significant internal displacement continued to be recorded. Economic growth, while slightly improved, remained low throughout the reporting period.

A. Political developments

4. The President, Ashraf Ghani, and the Chief Executive, Abdullah Abdullah, made progress on high-level appointments, which had previously been a source of tension within the National Unity Government. A security appointments board was established in March, headed by a new Minister of State for Reform in the Security Sector, to address the need for merit-based promotions in the security sector. On 11 March, the Chair of the Independent Administrative Reform and Civil Service Commission was appointed, a position that had been vacant since December 2015. The Government made further senior-level appointments and nominated four cabinet members: the Minister of Mines and Petroleum, the Minister of Labour, Social Affairs, Martyrs and Disabled, the State Minister for Parliamentary Affairs and the State Minister of Tourism Affairs. However, the future of six other ministers who were the subject of parliamentary no-confidence votes in November 2016 remained uncertain, and some parliamentarians continued to call upon the Government to introduce new candidates for those ministries.

5. On 27 March, the lower house of the National Assembly interpellated the Minister of Defence, the Minister of the Interior and the Director of the National Directorate of Security following a deadly attack on a military hospital in Kabul earlier that month. All survived no-confidence votes. However, the Minister of Defence and the Chief of Army Staff subsequently resigned from their positions following an attack on an Afghan army base in Balkh Province on 21 April, which resulted in mass casualties and a significant public backlash against the country's security leadership. Separately, the lower house of the National Assembly suspended the salaries of nine members as a result of their frequent absences.

6. The approaching presidential election of 2019 began to affect various political alliances. Divisions within the Jamiat-e-Islami political party were increasingly apparent. The Governor of Balkh Province, Atta Mohammad Noor, publicly criticized Chief Executive Abdullah on 13 March for failing to obtain sufficient positions for Jamiat members within the Government and continued to engage with President Ghani to achieve that goal. Separately, on 16 April, President Ghani dismissed the Jamiat Deputy Chairperson, Ahmed Zia Massoud, from his Cabinet-level position as Special Envoy for Reforms and Good Governance. Massoud had been an early supporter of Ghani's campaign in 2014, although after being dismissed he publicly expressed his regret for having done so. Meanwhile, the Jamiat-e-Islami party expanded its leadership council, and the party announced on 23 May its intention to nominate a presidential candidate for the elections in 2019.

7. First Vice-President Dostum remained under investigation for the alleged abduction and sexual assault of a political rival in November 2016. He was confined to his home in Kabul until 19 May, when he travelled to Turkey, reportedly for medical treatment. On 11 March, hundreds of supporters from Dostum's Junbish-e Milli party gathered at his house and named his son, Batur Dostum, acting head of the party. On 26 April, about 2,000 Junbish supporters rallied in Shibirghan city, Jowzjan Province, and on 5 May in Mazar-e Sharif, Balkh Province, to protest

against the Government's perceived exclusion of the First Vice-President and alleged bias against non-Pashtun ethnicities.

8. The leader of Hizb-i Islami (Gulbuddin), Gulbuddin Hekmatyar, appeared in public in Afghanistan for the first time in more than 20 years on 29 April in Laghman Province. Hekmatyar's return was part of a peace agreement concluded between the Government and Hizb-i Islami in September 2016. On 1 May, President Ghani signed a decree authorizing the release of the first batch of prisoners affiliated with Hizb-i Islami (Gulbuddin), and the following day the release of 55 prisoners was announced. On 4 May, Hekmatyar arrived in Kabul in an armed convoy and gave a speech at the Presidential Palace to a large audience of State officials and other political leaders. President Ghani, Chief Executive Abdullah and the former President, Hamid Karzai, were in attendance, but some prominent members of the rival Jamiat-e-Islami party were notably absent. President Ghani welcomed Hekmatyar's return as an important step towards peace and reconciliation. However, human rights defenders and civil society groups expressed concern that Hekmatyar's return could lead to a reversal of the gains in human, political and civil rights made since the collapse of the Taliban regime. Hekmatyar began discussions with Hizb-i Islami (Arghandiwal), a political party faction whose members already participate in the administration. Rival political actors expressed concern that if the Hizb-i Islami (Gulbuddin) and (Arghandiwal) united, it could become the country's largest political party.

9. On 1 April, the Government outlined its vision for peace in a document released to international donors. The document highlighted the need for an inclusive peace process to bring an end to the conflict and to consolidate credible institutions to channel political differences. It also proposed structural changes and a curtailed mandate to the High Peace Council. Subsequently, the Government circulated a draft peace and reconciliation strategic plan to international donors on 18 May. Also on 1 April, the President appointed a new Head of the secretariat for the High Peace Council, which had been vacant since 19 November 2016. On 6 June, President Ghani announced the appointment of the former Vice-President, Karim Khalili, as the new Chair of the High Peace Council. There was, however, no discernible progress on peace talks between the Government and the Taliban.

10. Within the context of a broader Afghan-led process, United Nations Assistance Mission in Afghanistan (UNAMA) supported nine ongoing local peace initiatives in nine different provinces during the reporting period. Through those initiatives, UNAMA provided technical and logistical support to assist Afghan entities in the sustainable and non-violent resolution of conflicts and grievances. Conflicts addressed include land disputes, the security of highways, and religious radicalization. On 6 April, UNAMA supported a conference on women's role in the peace process in Herat Province, which 100 participants from 13 districts attended. Participants called for concrete action to implement the country's national action plan on Security Council resolution 1325 (2000).

11. The Government made some progress on electoral preparations during the reporting period. In April, the Independent Election Commission approved a polling centre assessment package, which includes an operational plan, procedures and budget. The assessment fulfils one of the recommendations of the Special Electoral Reform Commission. On 1 March, the President appointed a new Chief Electoral Officer to head the Independent Election Commission secretariat, which had been vacant since June 2014. Meanwhile, the Electoral Complaints Commission started to draft a gender policy aimed at, among others, improving the representation of women in the Commission and began its recruitment process. While the Government reiterated its commitment to holding elections during the current

Afghan year, which ends in March 2018, key decisions, including on the constituencies, budget, timeline and funding modalities, have not been made.

12. The Government and the Independent Election Commission continued to consider options for the introduction of new technology for future elections. On 11 March, the Independent Election Commission presented a technical study to the Government and donors, which determined that new technology should be used for the next elections, and in April, the Independent Election Commission commissioned a feasibility study to assess the possibility of introducing new technology. The Government and the Independent Election Commission continued to explore modalities to introduce the use of new technology.

13. In March, the Government reached a decision on an electronic national identification card, after a long impasse. The distribution of such identification cards is one of the commitments in the 2014 political agreement on the establishment of the National Unity Government. On 20 March, the Government adopted an action plan and decided to commence distribution of the cards. On 22 April, President Ghani issued a legislative decree, subsequently approved by the lower house of the National Assembly on 8 May, amending the Population Registration Law to provide that ethnicity and nationality would be reflected on the cards. On 13 May, a Presidential decree was issued, which, among others, required commencement of a pilot phase of the plan within 90 days.

B. Security

14. The security situation in Afghanistan remained intensely volatile. UNAMA recorded 5,687 security-related incidents in Afghanistan between January and the end of March 2017, the highest total ever recorded for that period since 2001. Between 1 March and 31 May, the United Nations recorded 6,252 security-related incidents, which represents a 2 per cent increase against the same period in 2016. In line with established trends, armed clashes accounted for the majority (64 per cent) of security incidents, followed by improvised explosive devices (16 per cent). Targeted killings and abductions decreased by 4 per cent compared with the same period in 2016. The eastern and southern regions were the most volatile, with a 22 per cent increase in incidents in the eastern region compared with the same period in 2016. The Taliban focused their attacks on Badakhshan, Baghlan, Farah, Faryab, Helmand, Kunar, Kunduz, Laghman, Sari Pul, Zabul and Uruzgan Provinces. Taliban attacks against the Afghan National Defence and Security Forces around Lashkar Gah and surrounding districts in Helmand Province were repelled after the Afghan National Army Special Forces received support through international military-conducted air strikes. The number of air strikes was significantly higher (112 per cent) compared with the same period in 2016.

15. On 28 April, the Taliban announced the launch of their annual spring offensive, "Operation Mansouri". Their statement in 2017 described a two-track approach involving military and political objectives, including advice to minimize civilian casualties and to focus on targeting foreign forces in Afghanistan and their Afghan partners. However, there has not been any significant improvement in civilian casualty statistics. On the day of the announcement, the Taliban captured the strategically important Zaybak district in Badakhshan Province, which borders Pakistan. It was retaken several weeks later by Afghan security forces. During the reporting period, the Taliban also temporarily captured Sangin district in Helmand Province, Qal'ah-i Zal district in Kunduz Province and Khwajah Baha' al-Din district in Takhar Province.

16. On 8 March, a complex attack was carried out against the largest military hospital in Afghanistan, located in Kabul. The group Islamic State of Iraq and the Levant — Khorasan Province (ISIL-KP) claimed responsibility for the attack, in which 50 persons were reportedly killed, of whom approximately half were military personnel (enjoying protected or hors de combat status), and 88 others were wounded, including at least 22 civilians. On 21 April, the Taliban carried out a complex attack against the headquarters of the Afghan National Army 209 Corps in Mazar-e Sharif, in Balkh Province, which resulted in at least 140 security forces killed and 60 others injured.

17. ISIL-KP maintained a presence in southern Nangarhar Province despite increased military operations carried out by the United States of America and the Afghan National Defence and Security Forces. International military forces continued operations, including the use of a "massive ordnance air blast" that killed a reportedly high number of ISIL-KP members in Achin district, Nangarhar Province, on 13 April. In early May, government and United States military officials confirmed that the ISIL-KP leader, Abdul Hasib, had been killed in a United States Special Forces raid conducted on 27 April. ISIL-KP continued its attacks against the civilian population and military and foreign military targets, and unverified local sources claimed that ISIL-KP reinforcements and recruitment continued. The group took responsibility for a complex attack on the National Radio Television of Afghanistan station in Jalalabad on 17 May.

18. On 31 May, a suicide attacker detonated a truck-borne explosive device in the city centre of Kabul. The explosion killed at least 80 people and injured 464, most of whom were civilians. The bomb, one of the largest detonated in Kabul, caused considerable damage to infrastructure in the surrounding area, including a number of diplomatic facilities, forcing some embassies to evacuate personnel. The attack led to several days of protests, in which some protesters were killed, allegedly by security forces, including the son of a Member of Parliament. Suicide bombers at the funeral ceremony for the deceased killed 6 civilians and injured 87, according to preliminary information, in an escalating cycle of violence.

19. By late April, the official number of Afghan National Army and Afghan National Police personnel was at 90.4 per cent and 95.1 per cent of projected levels, respectively, up from 86 per cent and 94 per cent in February, respectively.

20. A total of 11 recorded incidents had an impact on the United Nations, including 1 case of intimidation, 1 incident relating to an improvised explosive device and 5 criminal-related incidents; there were no armed clashes or abductions.

C. Regional cooperation

21. During the reporting period, efforts were made by the Governments of Afghanistan and Pakistan to improve relations, following a period of heightened tensions from late 2016 to early 2017, as noted in my previous report. On 21 March, Pakistan reopened the two official crossing points into Afghanistan, in Torkham and Spin Boldak, which had been closed on 17 February, although the border was closed intermittently throughout the reporting period. On 15 and 16 March, the United Kingdom of Great Britain and Northern Ireland hosted high-level bilateral talks attended by the National Security Adviser to the President of Afghanistan, Hanif Atmar, and the Adviser to the Prime Minister of Pakistan on Foreign Affairs, Sartaj Aziz, which were aimed at building confidence and resulted in the establishment of a cross-border mechanism between the two countries. Tensions remained, however, related partly to ongoing efforts by Pakistan to fence part of the border with Afghanistan, as well as incidents of cross-border shelling. In a positive

development, a high-level Pakistani parliamentary delegation led by the Speaker of the National Assembly of Pakistan arrived in Kabul for meetings with Afghan counterparts from 29 April to 1 May. The delegation also met President Ghani and other officials. Shortly afterwards, the head of the Inter-Services Intelligence of Pakistan visited Kabul and met President Ghani and other high-level government officials. Such efforts to improve bilateral relations were subsequently disrupted on 5 May, when border guards from both countries clashed after Pakistani authorities began conducting a census in two villages in a disputed area near the Spin Boldak-Chaman crossing point. Following a negotiated ceasefire, the fighting has stopped, and efforts continue at the political level to resolve the dispute.

22. A number of multilateral and bilateral initiatives continued. On 16 March, the Ministers for Foreign Affairs of the Russian Federation and Tajikistan met in Dushanbe to discuss the military-political situation in Afghanistan and the prospect of enhanced Russian-Tajik cooperation. The Heart of Asia senior officials meeting was held on 17 March in Baku, at which participants reaffirmed their commitments to enhancing economic and security cooperation through the Heart of Asia-Istanbul process. Uzbekistan also continued its increased engagement in Afghanistan, including by appointing a Special Representative for Afghanistan on 25 May. During a visit to the Russian Federation on 4 and 5 April, the President of Uzbekistan, Shavkat Mirziyoyev, stated that peace in Afghanistan must be reached through negotiations. In April, Kazakhstan held the second round of political consultations with Afghanistan in Astana. On 14 April, the Russian Federation hosted a conference on Afghanistan in Moscow, with representatives of China, India, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Tajikistan and Uzbekistan in attendance. Other invitees included Turkmenistan and the United States. Participants emphasized the need for direct talks between the Government of Afghanistan and the Taliban. Following the conference, on 15 April a spokesperson for the Ministry of Foreign Affairs of Afghanistan stated its intention to host the next talks in Kabul, and the Government began preparations for a conference with wider participation, which was to be held on 6 June. The Shanghai Cooperation Organization ministerial meeting was held on 21 April in Astana, during which participants reiterated the Organization's commitment to initiating a political dialogue between parties to the conflict in Afghanistan.

III. Human rights

23. On 27 April, UNAMA released its conflict-related civilian casualty data for the first quarter of 2017. Between 1 January and 31 March, UNAMA documented 2,181 civilian casualties (715 dead and 1,466 injured), representing a 4 per cent decrease compared with the same period in 2016, which comprised a 2 per cent decrease in civilian deaths and a 5 per cent decrease in injuries. UNAMA attributed 62 per cent of civilian casualties to anti-government elements, 21 per cent to pro-government forces and 9 per cent to ground fighting where the perpetrator could not be identified. The majority of the remaining 8 per cent were attributed to the detonation of unattributed unexploded ordnance. Ground engagements caused most civilian casualties (35 per cent), followed by improvised explosive devices (19 per cent) and suicide and complex attacks (17 per cent). Of particular concern were the 24 per cent increase in women casualties (88 dead and 185 injured) and 17 per cent increase in child deaths (210 dead, in addition to 525 injured). Women and child casualties increased mainly from the impact of aerial operations, improvised explosive devices and suicide and complex attacks.

24. As a concrete measure to mitigate civilian casualties from explosive remnants of war, UNAMA welcomed the Government's commitment to ratifying Protocol V to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and urged all parties to commence marking, clearing, removing and destroying explosive remnants of war in areas under their territorial control. UNAMA continued to conduct advocacy meetings with parties to the conflict, including Afghan national security forces, anti-government elements and international military forces, to promote respect for international humanitarian law and take concrete measures to protect civilians from harm.

25. Children continued to suffer disproportionally from the violence. Between 1 January and 31 March, UNAMA verified 384 incidents resulting in 735 child casualties (210 dead and 525 injured), representing a 3 per cent increase compared with the same period in 2016. Children comprised 34 per cent of overall civilian casualties. Ground engagements remained the leading cause of child casualties, accounting for 42 per cent of all child casualties (312 child casualties), followed by incidents related to explosive remnants of war (164 child casualties; 22 per cent) and improvised explosive devices (114 child casualties; 15 per cent) in the first quarter of 2017. A total of 81 per cent of the victims from the unexploded ordnance were children.

26. With respect to the recruitment and use of children by the parties to the conflict, UNAMA verified the recruitment of 13 boys, including 9 by the Taliban, 2 by the Afghan National Police, 1 by the Afghan National Border Police and 1 by the Afghan Local Police. UNAMA verified three incidents of abduction by anti-government elements involving five boys and two incidents of sexual violence against two boys. As at 10 April, 135 children were detained on national security-related charges, including for association with anti-government armed groups, and held in poor conditions in the adult maximum-security detention facility in Parwan Province. Regarding the protection of health and educational facilities and workers, between 1 January and 31 March, 14 incidents affecting education were verified, the same as in the corresponding period for 2016. UNAMA also documented 17 schools used for military purposes. UNAMA notes a reduction in the military use of clinics, recording 1 incident during the reporting period compared with 31 in the same period in 2016. The country task force on monitoring and reporting documented seven incidents of denial of humanitarian access, five attributed to the Taliban and two to undetermined armed groups.

27. On 24 April, UNAMA and the Office of the United Nations High Commissioner for Human Rights released a joint public report on the implementation of the country's national plan on the elimination of torture, covering the period between January 2015 and December 2016. Of the 469 detainees interviewed, 39 per cent gave credible accounts of having experienced torture or other forms of cruel, inhuman and degrading treatment during arrest and interrogation in numerous detention facilities run by the National Directorate of Security and the Afghan National Police. The report also documented a pervasive lack of accountability for such practices. Prior to the report's release, the Government withdrew its reservation to the Convention against Torture, and the Cabinet approved in principle the signature of the Optional Protocol to the Convention against Torture. Following this, the President ordered the setting up of a national preventive mechanism. On 12 May, the Committee against Torture, in its concluding observations on the second periodic report of Afghanistan, expressed deep concern at the allegations of widespread use of torture and ill-treatment and a culture of impunity. The Committee called upon Afghanistan to make sure that all

allegations were investigated promptly, thoroughly and impartially and that alleged perpetrators were prosecuted.

28. Violence against women remained prevalent. The annual report of the Afghanistan Independent Human Rights Commission, covering the period from March 2016 to March 2017 and released on 8 March, noted an increase of 8.6 per cent in the number of cases of violence against women recorded by its offices across the country. According to the Special Prosecutor on Elimination of Violence against Women, 2,442 cases were registered with prosecution offices across the country, with 149 cases adjudicated. A total of 22 per cent of registered cases were either withdrawn or not followed up by complainants. Commissions on the elimination of harassment against women have been established in 11 provinces. The draft law on the elimination of harassment against women and children was not endorsed by the President, following recommendations by the Ministry of Women's Affairs and civil society organizations to review it.

29. On 2 March, the revised Penal Code was passed by legislative decree after a four-year transparent and inclusive process. The President endorsed it on 4 March, and it is being printed for the Official Gazette. The decree delays the application of the Code for nine months after publication, to allow the security and justice sectors to be trained on and the public to be informed of the revised Code combining crimes in more than 50 special laws enacted since the 1976 Penal Code. The Code incorporates all of the country's substantive treaty obligations, including all mandatory crimes under the United Nations Convention against Corruption, war crimes, crimes against humanity and genocide, and criminal liability against civilian superiors or military commanders who fail to prevent or punish subordinates who commit these crimes under the Rome Statute and the prohibition of the practice of land-grabbing. It also expands the 1976 definition of the crime of torture to comply with the Convention. The Code provides a progressive definition of rape, being gender-neutral, requiring modern definitions of consent and protecting privacy, dignity and bodily integrity. It furthermore reduces the number of crimes subject to the death penalty by 74 per cent.

30. The Government presented an updated version of the budget ($52 million) proposed for implementing Security Council resolution 1325 (2000) on women and peace and security. A small working group with representation from both the Government and the international community was formed in March to review the activities and budget with relevant line ministries, with a view to developing a funding mechanism for the plan. On 18 April, the Government launched its national action plan to eliminate early and child marriages for the period 2017-2021.

31. Media workers and civil society actors continued to face intimidation and abuse from anti-government elements. Lack of cooperation from local authorities, including their occasional interference in the work of civil society actors, was also registered during the reporting period. UNAMA recorded four cases of intimidation and killing of civil society actors in Baghlan, Nangarhar and Kabul Provinces. In April, UNAMA supported the relocation to Kabul of one human rights defender under threat. On 7 May, two unknown gunmen on a motorcycle shot and killed a prominent journalist, politician and civil society activist in Pul-e-Khumri city. In Jalalabad city, Nangarhar Province, five media workers, employees of National Radio Television of Afghanistan, were killed in the above-mentioned 17 May attack claimed by ISIL-KP.

IV. Implementation of the Kabul process and coordination of development assistance

32. The Government continued to take steps to address the country's significant economic challenges. The International Monetary Fund and Afghan authorities concluded a first review of the country's Extended Credit Facility on 4 March. The review estimated 2016 growth at 2 per cent, somewhat higher than earlier estimates. An increase to 3 per cent was projected for 2017, driven by favourable agricultural output. Fund staff commended authorities for prudent macroeconomic management and strong progress on structural reforms in challenging circumstances. On 4 March, the country's central bank announced that the Government had substantially addressed technical aspects of an action plan to improve its framework for combating money-laundering and terrorist financing. Representatives of the intergovernmental Financial Action Task Force conducted an on-site visit in Kabul on 11 and 12 April to monitor progress in Afghanistan, which the Task Force considers a high-risk jurisdiction. Recommendations from the visit will inform a future decision as to whether Afghanistan will remain subject to enhanced monitoring.

33. Follow-up to the Brussels Conference on Afghanistan, held in October 2016, remained a priority for the Government and donors. The Government continued its efforts to detail its development priorities in 10 National Priority Programmes for 10 sectors, as envisioned in the Afghanistan National Peace and Development Framework. On 8 March, the Government launched the Women's Economic Empowerment National Priority Programme. On 4 April, the Ministries of Economy and Finance outlined to donors plans to incorporate the Sustainable Development Goals into the National Priority Programmes.

34. The Government's budget execution report for the first three and a half months of the Afghan financial year (21 December 2016-8 April 2017) showed no improvement in the percentage of budget spent compared with the same period the previous year (14 per cent in both years). In absolute terms, budget expenditures were lower by $37.3 million. The total allotment or spending authority was, at $2.5 billion, lower by about $731 million. Sectors that saw the greatest reductions were infrastructure and natural resources, social protection, security, and economic governance; expenditures for agriculture, rural rehabilitation and development, education, and health were marginally higher than in the previous year. To improve the execution of the national budget, the Government allotted $1 million to each province to be spent in four sectors (health, education, rural rehabilitation and development, and agriculture). That allocation serves as a pilot for the implementation of the Provincial Budgeting Policy, which was launched on 19 April. Ultimately, the Government would like 40 per cent of its budget to be spent by subnational authorities.

35. On 25 April, UNAMA published its first anti-corruption report, which acknowledges progress made in the Government's anti-corruption efforts, such as the establishment of the High Council on Governance, Justice and Anti-Corruption and the Anti-Corruption Justice Centre, the appointment of a high-level committee to work on a national anti-corruption strategy, the completion of anti-corruption plans by the five largest revenue-generating ministries, progress in improving controls over public financial management, and increased transparency in national procurement processes. The report recommended more effective implementation of key reforms, such as merit-based public sector recruitment, revenue collection and budget execution, and the implementation of stronger oversight and coordination. Since its first trial in November 2016, the Anti-Corruption Justice Centre has adjudicated 14 primary court cases, finding 40 accused guilty, and affirmed 10 cases

on appeal, including those involving high-level officials on charges of bribery, embezzlement and abuse of official authority to obstruct justice. The Centre's prosecutors accepted for investigation 96 cases during the reporting period, many of which they are formally investigating at present.

36. After Afghanistan joined the global Open Government Partnership in December 2016, the Government facilitated three awareness forums in coordination with major civil society networks to promote the role and representation of civil society in six Open Government Partnership working groups, namely on fiscal system openness, legislative openness, access to information, anti-corruption, data openness and natural resources.

37. Further efforts were made to increase the number of women in the Afghan National Police. On 24 April, 245 female police completed a two-month training course and were posted according to their educational levels. The total number of female police officers within the police force remained at approximately 2 per cent. The civilianization of the police also continued. Out of 191 positions earmarked for civilians in the Afghan National Police, 57 positions were filled during the reporting period, resulting in 117 filled to date. In April, the Ministry of Higher Education granted the National Police Academy the status of a university, allowing its cadets to obtain a recognized degree.

V. Humanitarian assistance

38. The ongoing conflict continued to result in significant displacement and protection risks. Between January and mid-May, more than 100,000 individuals were newly internally displaced across the country, with 29 of 34 provinces having recorded some level of displacement. The north, south, east and west of the country were similarly affected, with the provinces of Kunduz, Baghlan, Kandahar, Uruzgan, Nangahar and Faryab all reporting more than 6,000 people displaced. Humanitarian assistance provided to affected populations by the United Nations and non-governmental organizations included emergency food, shelter and non-food items, cash, health services and supplies. The Government's technical working group on land under the Afghanistan Independent Land Authority developed a new legal framework for the identification and provision of suitable land and housing to displaced persons. The framework includes criteria to ensure the suitability of all allocated land and to assess applicants' eligibility.

39. The repatriation programme of the Office of the United Nations High Commissioner for Refugees resumed on 3 April, after which 24,414 registered Afghan refugees returned from Pakistan to Afghanistan, each receiving $200 per person to support their immediate humanitarian needs.

40. The deportation and spontaneous return of undocumented Afghans from Pakistan continued, with 50,985 arrivals (50,254 spontaneous arrivals and 731 deportees) between 4 March and 20 May, accounting for 83 per cent of the total arrivals from Pakistan in 2017. Since 1 January, the total number of undocumented returnees arriving from Pakistan rose to 60,626, almost double the number that returned in the same period in 2016. Returns from Pakistan continued to be driven by a marked deterioration of protection space. During the reporting period, the International Organization for Migration documented 81,099 arrivals from the Islamic Republic of Iran (20,502 spontaneous arrivals and 60,597 deportees). It assisted 37,344 returnees (73 per cent) from Pakistan and 2,709 (4 per cent) returnees from the Islamic Republic of Iran during that period. Between 1 March and 24 May, the International Organization for Migration also assisted 1,095 returnees from Europe (compared with 2,432 for the same period in 2016).

41. The temporary closure of the Torkham and Spin Boldak border crossing points delayed the delivery of essential humanitarian supplies, including medicines, education materials and food assistance, to thousands of beneficiaries. The closures particularly affected the delivery of specialized foods for children under 5, interrupting routine malnutrition treatment for 11,000 children. The continued influx of returning Afghans and their tendency to congregate in Jalalabad and Kabul cities also added to the pressure on existing resources and stretched the capacity of humanitarian partners. Some 20 per cent of the population across Kunar, Laghman and Nangarhar Provinces are currently returnees (approximately 500,000 people). As part of long-term efforts to reintegrate returnees and manage internally displaced persons, on 19 March the United Nations, the Government and donors endorsed a comprehensive action plan developed under the auspices of the Policy Framework for Returnees and Internally Displaced Persons to focus on the protection of civilians in conflict-affected areas, the provision of immediate humanitarian assistance, documentation, access to basic services, land allocation and adequate housing

42. In the first three months of 2017, United Nations agencies and humanitarian partners reached 1.3 million people of the planned 5.7 million. However, constraints on humanitarian access continued to be recorded, with a total of 73 incidents affecting the United Nations and humanitarian partners registered between 1 March and 24 May. The incidents reported included the death of 1 aid worker and the abduction of 11 aid workers and injuries to 2 others. As many as 26 per cent of all incidents recorded were against health workers and health facilities. The number of internally displaced persons located in hard-to-reach areas has continued to grow, constituting 22 per cent (21,827) of the newly displaced in 2017. Addressing the needs of those displaced in highly insecure districts not fully under government control remains immensely challenging. The Taliban displayed some willingness to facilitate access for vaccination campaigns following an outbreak of polio outside Kunduz Province and to engage in dialogue over a response to conflict-displaced people in previously unreached districts of Baghlan Province.

43. As at 21 May, the total funding for humanitarian action in Afghanistan stood at $213 million, of which $115 million was for activities included in the Humanitarian Response Plan.

44. The Mine Action Service and mine action partners continued to provide risk education at encashment and transit centres to ensure that returnees from Pakistan and the Islamic Republic of Iran were aware of the presence and danger of landmines, explosive remnants of war and abandoned pressure-plate improvised explosive devices. From 1 March to 30 April, 92,466 returnees received such education. In addition, mine action partners, coordinated by the Mine Action Service and the Directorate of Mine Action Coordination of Afghanistan, declared 18 communities mine-free, which enabled approximately 19,499 individuals across 8.9 km^2 to move freely within their community. However, it is estimated that 3,511 minefields, 309 battlefields and 52 contaminated firing ranges remain, affecting 1,500 communities, in addition to the continued threat from pressure-plate improvised explosive devices and explosive weaponry. The 2017 average monthly incident rate of 87 victims represents a decrease compared with a monthly average of 162 victims recorded in 2016; the vast majority (97.8 per cent) is due to explosive remnants of war and pressure-plate improvised explosive devices rather than landmines.

VI. Counter-narcotics

45. The Ministry of Counter-Narcotics, with technical support from the United Nations, completed the Afghanistan socioeconomic report on opium cultivation for 2016 on 19 May. It found that the estimated value of opiates produced in Afghanistan increased to $3.02 billion in 2016 from $1.56 billion in 2015. At 16 per cent of gross domestic product, the value of opiates was more than two thirds of that of the entire licit agricultural sector of the country. The increase between 2015 and 2016 was attributed to a 43 per cent rise in opium production together with escalating heroin prices.

46. Annual opium poppy eradication efforts began in March. By 23 May, Afghan authorities had eradicated 685 ha in Balkh, Badghis, Herat, Kunar, Kabul, Kandahar, Laghman, Nangarhar and Nimroz Provinces (final eradication figures will be confirmed only upon analysis of satellite imagery). This represented a marked increase in eradication over the 2016 season, when, during the same period, Afghan authorities eradicated only 98 ha of poppy in Badakhshan, Kandahar, Laghman, Nimroz, Sar-e Pul and Takhar Provinces. The increase is attributable to greater emphasis on eradication by the President, intensified efforts by the Ministry of Counter-Narcotics, and improved follow-up by the National Security Council, following poor results from governor-led eradication activities in 2016.

47. From 3 March to 24 May, Afghan law enforcement authorities conducted a total of 745 counter-narcotics operations, which led to the seizure of 723 kg of heroin, 34,820 kg of morphine, 15,263 kg of opium, 16 kg of methamphetamine, 9,951 kg of hashish, 21,535 kg of solid precursor chemicals, 32,790 litres of liquid precursor chemicals and 29 K-tablets (synthetic drugs). In addition, 22 heroin processing laboratories were dismantled, and 124 vehicles, 116 weapons, 209 mobile telephones and five radios were seized. During those operations, 829 suspects were arrested and two members of the Afghan National Defence and Security Forces were killed and two wounded.

48. The Sixth Steering Committee Meeting of the Regional Programme for Afghanistan and Neighbouring Countries was hosted by the Government of Kazakhstan in Astana on 6 April. Senior representatives from the drug control agencies and Ministries of the Interior and Foreign Affairs from the eight Regional Programme countries, as well as donors, international partners and organizations, reviewed the achievements in 2016 and identified priorities for 2017. Participants noted the positive impact of strengthened regional cooperation and joint responses to countering illicit drugs and transnational organized crime.

VII. Mission support

49. The Mission's current vacancy rate is at 10 per cent, compared with the approved vacancy rate of 14 per cent for international staff, and 4 per cent compared with the approved vacancy rate of 6 per cent for national staff. The gender balance stands at 86 per cent male and 14 per cent female for staff in all categories. Despite special measures granted for the Mission to recruit and retain more national female staff, national female staff representation remains at 7 per cent.

50. Between 1 March 2017 and 30 April, UNAMA conducted 178 road and 22 air missions, as well as 508 reverse outreach missions, during which district representatives visited UNAMA field offices.

VIII. Observations

51. On 14 June 2017, I visited Afghanistan to express my solidarity with the Government and people of Afghanistan following the severe terrorist attacks in Kabul on 31 May and 3 June 2017. I left the country deeply concerned about the deteriorating security situation, which has caused not only immense human suffering but also significant internal displacement, as I witnessed during a meeting with internally displaced men and women. Despite their dire living conditions, their courage and unwavering commitment to contributing to a prosperous Afghanistan should inspire us all to support them concertedly. Peace remains the foundation for the country's sustainable development.

52. In my meetings with President Ghani and Chief Executive Abdullah, I stressed the importance of government unity. They expressed their deep concern at the proliferation of different terrorist groups in the Afghan territory and the need for a more concerted international effort to counter terrorism. The recent meeting between President Ghani and the Prime Minister of Pakistan, Nawaz Sharif, provides hope for an improvement in bilateral relations, an essential condition for more effective counter-terrorism action.

53. I am encouraged that the Government continued to progress its reform agenda. Efforts to address corruption and increase accountability among senior officials, including in the security apparatus, are particularly welcome. Of note in this regard is the work of the Anti-Corruption Justice Centre, as well as the Government's commitment to eliminating the practice of torture and ill-treatment of conflict-related detainees, to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to withdrawing its reservations to that Convention. I welcome the Government's revision by legislative decree of the Penal Code.

54. The emerging focus on elections is encouraging; at the same time, it has the potential to create new divisions and exacerbate existing tensions within the political sphere. I welcome the continued commitment of the Government and electoral institutions to holding credible and transparent elections. Initiating the polling centre assessment package will be an important step towards electoral preparations in general and will fulfil one of the key recommendations of the Special Electoral Reform Commission: the preparation of polling centre-based voter lists. It will be crucial to expeditiously make progress on the remaining issues for preparations to start in earnest.

55. While the rate of economic growth has improved somewhat, it has been outpaced by the population growth, including returns. The Government's development priorities are articulated in the Afghanistan National Peace and Development Framework, to which the international community generously pledged its support in Brussels in 2016. I encourage all stakeholders to make efforts to improve the delivery of the Framework. For the United Nations part, I remain committed to helping to realize the vision of delivering as one.

56. The security situation has deteriorated further. The Afghan security forces continued to face an intensifying insurgency. The unrelenting nature of the conflict has affected morale and is a matter that the Government believes must be addressed. The heavy toll of the fighting on civilians, particularly on women and children, reflects the need for all parties to the conflict to take urgent steps to halt the killing and maiming of civilians. I am particularly concerned about the attack in Kabul on 31 May and the subsequent escalation of violence, which further demonstrated the vulnerability of civilians in the conflict. I stress the need for accountability for violations of international humanitarian law and human rights law. The need to

move forward with the implementation of the national civilian casualty prevention and mitigation strategy is crucial in this regard. I note the commitment of the Government to formally ratifying Protocol V to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and call upon the parties to the conflict to remove explosive remnants of war left behind from fighting in areas under their territorial control.

57. The high number of internal displacements remains of concern. In addition, the number of people returning to Afghanistan in 2017 is at higher levels than during the same period in 2016. Besides posing humanitarian challenges in the immediate future, the successful absorption and integration of a large number of returnees will require medium- and long-term development solutions, including access to land and basic services. I commend the Government for its engagement and commitment to determining measures towards addressing this issue. I note that there has been a slight improvement in humanitarian access for the conduct of the polio campaign and encourage all parties to increase access in the interest of the health and welfare of all Afghans.

58. Progress achieved in the implementation of the peace agreement between the Government and Hizb-i Islami (Gulbuddin), including the return of its leader, Gulbuddin Hekmatyar, to Afghanistan and the release of Hizb-i Islami prisoners, demonstrates the Government's willingness to establish peace. Peace must be attained through negotiations and not on the battlefield. For peace to be long-lasting, it must be inclusive, ensure accountability for past abuses and uphold the rights of victims.

59. Regrettably, there has been no discernible progress towards direct peace talks between the Government and the Taliban. A regional environment conducive for an Afghan-led peace process is essential. The Government's initiative to convene the Kabul Process for Peace and Security Cooperation conference on 6 June was conceived to that end. It is a testament to the Government's resolve to achieve peace that the conference went ahead despite the horrific levels of violence in the week leading up to it.

60. On regional relations, a series of recent security incidents in Kabul cast a shadow over efforts by the Governments of Afghanistan and Pakistan to improve their relations. The renewed high-level contacts between senior military officials from both countries and the visit by a senior Pakistani parliamentary delegation to Kabul were positive steps towards enhancing confidence at various levels. I urge the two countries to continue this constructive engagement towards improving bilateral relations, which is a key to fostering peace in Afghanistan and beyond.

61. I thank all United Nations personnel in Afghanistan and my Special Representative, Tadamichi Yamamoto, for their continued dedication to fulfilling our commitments in support of the people of Afghanistan under very challenging conditions.

United Nations A/71/933

General Assembly

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Seventy-first session
Agenda item 121
Revitalization of the work of the General Assembly

Letter dated 31 May 2017 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the summary of a retreat on strengthening the General Assembly, which brought together a group of permanent representatives to the United Nations on 19 July 2016 at the Union Club in New York (see annex). The meeting was organized by the Permanent Mission of Finland to the United Nations, in close cooperation with the Office of the President of the General Assembly and the Department for General Assembly and Conference Management of the Secretariat.

The retreat was attended by the President of the General Assembly at its seventieth session, Mogens Lykketoft, the President-elect of the General Assembly at its seventy-first session, Peter Thomson, and elected members of the General Committee of the seventy-first session, as well as the Co-Chairs of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly during the seventieth session.

Participants in the retreat discussed the role and the status of the General Assembly and efforts to revitalize its work and working methods, with the objective of defining elements for a stronger Assembly.

Specifically, participants considered tangible measures that could be taken towards that objective, which, they agreed, could serve as useful contributions to the ongoing discussions on the revitalization of the work of the General Assembly.

Furthermore, the retreat provided an opportunity for incoming members of the General Committee to familiarize themselves with the working methods of the General Assembly and to benefit from lessons learned and best practices.

The report was prepared under the Chatham House Rule.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 121.

(*Signed*) Kai **Sauer**
Ambassador
Permanent Representative of Finland to the United Nations

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Annex to the letter dated 31 May 2017 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

Towards a stronger General Assembly: high-level retreat, 19 July 2016

Summary and programme of action

Introduction

On 19 July 2016, the Permanent Mission of Finland, for the sixth year in a row, organized a retreat entitled "Towards a stronger General Assembly", held at the Union Club in New York, with the aim of contributing to the ongoing process of the revitalization of the work of the General Assembly. The high-level retreat began with welcoming remarks by the Permanent Representative of Finland, Kai Sauer, and the Under-Secretary-General for General Assembly and Conference Management, Catherine Pollard, who delivered a keynote address on behalf of the Secretary-General. Remarks were made by the President of the General Assembly at its seventieth session, Mogens Lykketoft, and the President-elect of the General Assembly at its seventy-first session, Peter Thompson, followed by the holding of one thematic segment in the morning and two thematic segments in the afternoon.

In the morning, the Under-Secretary-General gave a presentation on the support provided by the Department for General Assembly and Conference Management to the Assembly and to its President, which included a briefing on the programme of work for the forthcoming session and some recent trends in the working methods and practices of the General Assembly.

In the afternoon, under the heading "Reflections on the General Assembly revitalization process", the Permanent Representative of Croatia, Vladimir Drobnjak, and the Permanent Representative of Namibia, Wilfried Emvula, Co-Chairs of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly during the seventieth session, provided an update on the wider debate on the revitalization of the work of the Assembly and shared insights and lessons learned on the discussions and recent deliberations of the Working Group. That was followed by reflections by the Permanent Representative of Luxembourg, Sylvie Lucas, who chaired the intergovernmental negotiations on Security Council reform during the seventieth session.

Each presentation was followed by a lively exchange of views. Concluding remarks were made by the Permanent Representative of Finland at the end of the high-level retreat. To stimulate the discussions, the participants had before them a concept note and the annotated preliminary list of items for the seventy-first session.

Opening remarks

In his opening remarks, the Permanent Representative of Finland welcomed participants by highlighting the achievements made during the seventieth session, including in particular the selection process of the ninth Secretary-General. He noted the important role that the President of the General Assembly had played in operationalizing and moving the process forward and recognized his determination in setting new standards of transparency in the work of the Office of the President. The President-elect of the seventy-first session, meanwhile, would be presiding over work with a declared priority focus on advancing the implementation of the

Sustainable Development Goals. The retreat, by allowing for the sharing of experiences and ideas, would serve to facilitate a smooth transition from one presidency to the next, thereby benefiting the work of the General Assembly as a whole.

The Under-Secretary-General delivered remarks by the Secretary-General, in which he recognized the important relationship that he had with the General Assembly and its President and expressed particular gratitude to the President of the seventieth session for the productive relationship that they had enjoyed. The Secretary-General noted the important work to come during the seventy-first session and welcomed the intention of the President-elect to give priority to making progress on the Sustainable Development Goals. Having sought to make the most of the Assembly's uniquely legitimate and universal role and function within the United Nations, the Secretary-General identified the following two points for potential improvement: (a) the size of the agenda, where greater rigour seemed advisable lest Member States and the Secretariat alike end up spread too thin; and (b) striking the right balance between the policy-setting prerogatives of Member States and the Secretary-General's need for flexibility in exercising his responsibility as chief administrative officer. The Secretary-General welcomed the steps that had been taken to open up the process of selecting his successor, in line with Assembly resolution 69/321, which he noted built on the moves towards transparency witnessed during the months leading up to his own assumption of office a decade earlier.

Reflections on the seventieth session of the General Assembly

The President of the seventieth session welcomed the opportunity for an exchange of experiences with his successor and briefed the participants on the major outcomes achieved during the session, beginning with the historic adoption of the 2030 Agenda for Sustainable Development in September 2015. One of his decisions had been to limit the number of high-level thematic debates organized at the President's initiative to a total of three to alleviate the workload of Member States, which had been strongly welcomed, even as his Office had experienced an increase in requests from individual delegations to convene meetings dedicated to issues of particular importance to them.

One lesson learned was that it was difficult to reconcile high-level participation with the stated desire to make such debates more interactive. At the same time, the President expressed satisfaction with the inclusive nature of the three high-level thematic debates that he had convened, which had featured participation by civil society and representatives of the private sector. The need to open up to the outside world was of urgent importance and the selection process of the ninth Secretary-General was a good example of efforts in that regard. To that end, he had organized a global town hall meeting, in cooperation with a global broadcaster, providing all the candidates with an opportunity for public debate in the General Assembly Hall, which, he hoped, would also have a real influence on the deliberations in the Security Council. It was important to be credible as an Organization vis-à-vis the outside world and, in that connection, the recent experiences in the Committee on Non-Governmental Organizations, for example, were to be considered, at the very least, problematic.

Turning to the administration of the Office, the President acknowledged that he had been lucky because Denmark had known of its candidature well in advance, which had given him sufficient time to prepare. His had been the largest Office of any President, with 35 staff members, which had been possible only through secondments from the wider membership. That, he noted, was necessary in the light of the increasing demands placed on the President. He strongly emphasized the

crucial importance of, and his unswerving commitment to, transparency and, in that regard, he welcomed the discussions in the Ad Hoc Working Group on an oath of office and a code of ethics for the President of the General Assembly.

Discussion

In the subsequent discussion, it was noted that the question of the modalities of civil society participation threatened to hold up important work in the General Assembly and the question was raised as to the possibility of settling the issue through an agreement among the membership on a standard format that could be applied across the board. Another point raised was the fact that the mandate of the President was not clearly defined, other than the responsibilities set out in the Assembly's rules of procedure. The current role clearly exceeded those provisions, as evidenced by the number of facilitators appointed. The Charter of the United Nations also did not elaborate on the role of the President of the General Assembly. One participant therefore asked whether the time had come for the Assembly to define the functions of the role and suggested that the Ad Hoc Working Group could carry out that task. It was noted that any such effort would need to be based on a detailed analysis of mandates, applicable rules and practice.

Another element that was identified as potentially holding back the Assembly's efficiency was a trust deficit among political groupings. Participants also raised the issue of the way in which the high-level thematic debates were organized and whether improvements could be made to ensure that greater value was derived from the efforts that went into their preparations.

Looking ahead to the seventy-first session of the General Assembly

The President-elect of the seventy-first session reflected upon the role of the President by noting the organic development of the Office, which had been shaped by practice and necessity, and comparing the Assembly's function to that of a board of 193 members overseeing the work of the Organization. Continuity of information from one President to the next was important to ensure the smooth functioning of the Assembly's work. He intended to continue the good practice of holding monthly luncheons with the Secretary-General. Recognizing the great work of the Ad Hoc Working Group, the President-elect stressed his commitment to the principles of transparency and accountability and strongly emphasized that any contributions to his presidency would be placed exclusively in the trust fund established in support of the Office. Speaking of ethics, he also suggested looking into the possibility of limiting spending when it came to the election campaigns of Member States in the Assembly, which he proposed as a potential topic for consideration by the Ad Hoc Working Group during the seventy-first session. From a substantive perspective, the main priority of his presidency would be advancing progress in the implementation of each of the Sustainable Development Goals and that would be duly reflected in the composition of his Office, which would feature a dedicated implementation team. Other issues that could be looked into further were streamlining the Assembly's agenda, making better use of the General Committee and thinking creatively about how to make better use of the thematic debates in the Assembly. He also concurred with the observations made on civil society participation in the Organization's work, which ought to be addressed.

Discussion

In the ensuing question-and-answer segment, the role of the President was once again discussed, as was the tangible benefit of convening high-level thematic debates. As to the latter, the question was raised as to how the agenda was determined for the debates. It was noted that it was difficult for smaller delegations

to follow the debates effectively owing to the large number of them that had been convened in recent years. At the same time, it was recognized that a considerable proportion of the debates were initiated by Member States themselves, including through resolutions adopted in the Main Committees. The suggestion was made that the General Committee should meet after the main part of each session, in January every year, to review the programme of work for the resumed part of the session, based on a briefing to be provided by the Department for General Assembly and Conference Management.

Role of the Department for General Assembly and Conference Management in supporting the General Assembly and its President

The Under-Secretary-General for General Assembly and Conference Management welcomed the excellent opportunity to exchange views between the outgoing and incoming Presidents, as well as between Member States and the Secretariat, on how best to improve the Assembly's working methods. She gave a presentation that focused on the programme of work for the seventy-first session, recent trends in the Assembly's working methods and the services provided by the Department to Member States and the President. Recalling the primary function of the General Committee to consider the draft agenda and make recommendations concerning the inclusion or rejection of each item, and to assist the President in the general conduct of the Assembly's work, she drew attention to the memorandum prepared by the Secretary-General containing the draft agenda and recommendations on the organization of work, which would be before the General Committee at its first meeting.

Following her remarks on the high-level segment encompassing the general debate and the high-level meetings mandated by the Assembly, she gave a briefing on the tentative programme for the main and resumed parts of the session. With regard to recent trends in the Assembly's work, she highlighted the noticeable increase in the number and duration of high-level thematic debates, which had initially been intended to facilitate a more interactive exchange in an informal setting, but which had tended to consist of the delivery of prepared written statements followed by panel presentations, too often leaving little time for discussions by Member States. Moreover, there had been a general increase in the number of mandates addressed to the Presidents of the Assembly on a routine basis, such as the finalization of modalities for future high-level meetings, which presented a real addition to their workload.

It was the Secretariat's mission to facilitate the effective conduct of the deliberations and follow-up actions of the Assembly and to ensure the provision of high-quality conference-servicing support to all intergovernmental and expert bodies. The Department for General Assembly and Conference Management provided a wide range of support to the Office of the President on a daily basis throughout the year. The Department also served as the focal point for the Office within the Secretariat and acted as a repository of institutional memory, best practices and past precedents, similar to the role played by the Security Council Affairs Division of the Department of Political Affairs in relation to the work of the Security Council and its President.

For the first time, in 2016, the Department for General Assembly and Conference Management would organize an induction programme for the incoming President. Aside from specific support to the President, the Department also provided a range of conference management and conference services throughout the year, which included preparing parliamentary documentation, handling the speakers list, receiving and processing draft resolutions, receiving candidacies for elections, administering the voting and balloting in the Assembly, booking rooms, providing

meeting management services, providing interpretation and translation services and issuing documentation.

Discussion

In the ensuing question-and-answer segment, participants considered innovative ways to further strengthen the Assembly's work. One speaker asked about the possibility of enforcing time limits more strictly, including by cutting off the speaker's microphone. Participants once again raised the issue of the need to streamline the Assembly's agenda, which was considered to be too unwieldy, in order to allow the Assembly to better focus on matters of urgency. Other issues included the perceived difficulty in booking rooms for intergovernmental meetings, the possibility of introducing e-balloting for elections and the process of advising Member States on programme budget implications.

Reflections on the General Assembly revitalization process

The Co-Chairs of the Ad Hoc Working Group both gave briefings on the status of work during the seventieth session and identified recent trends in positions among Member States on the various thematic clusters on which the Working Group traditionally focused. The Permanent Representative of Croatia recognized the value of the revitalization process simply for the educational value for the membership with regard to the working methods of the Assembly. Noting the success of the landmark resolution adopted at the previous session, resolution 69/321, he identified two reasons why its adoption had been possible, namely, because the timing had coincided with the impending start of the selection process for the new Secretary-General and because the agreed provisions did not require amendments to the Charter. The President of the seventieth session had made excellent use of the mandate given to him under that resolution and had been aided by the fact that it had been adopted by consensus. Meanwhile, the thematic cluster on the selection and appointment process of the Secretary-General had been exhausted and was unlikely to yield further significant results in the seventieth session, as the outstanding demands, such as multiple candidates and a single-term limit, did not enjoy universal support among the membership. There was, however, increased attention to the issue of appointment of senior officials, which would likely continue to be relevant in the negotiations on the draft resolution under consideration.

In addition to other measures aimed at strengthening the Office of the President, it was expected that an oath of office and a code of ethics for future Presidents would be adopted. Streamlining the agenda, on the other hand, was important but would be difficult to achieve. The major lesson learned from resolution 69/321 was that any provisions needed to be backed up by granting the President the authority to implement them. Looking forward, areas of potential interest for the Ad Hoc Working Group at the seventy-first session could include the rationalization of the Assembly's agenda, the drafting of a code on election campaigns in the Assembly and the elaboration of a definition of the role and functions of the President. In that connection, the Permanent Representative of Namibia added that engagement with the various groups had been an important factor in arriving at a consensus on resolution 69/321. During the current session, the focus had shifted towards identifying measures to strengthen the accountability and transparency of the Office of the President of the General Assembly — with broad support for the introduction of an oath of office — even as specific meetings had been dedicated to discussing issues related to the selection and appointment process of the Secretary-General, in particular the issue of imposing a single-term limit. It was important that the Working Group would continue to be guided by the principle of consensus.

Discussion

In the ensuing question-and-answer segment, participants congratulated the Co-Chairs for the productive work undertaken during both the seventieth and the sixty-ninth sessions. From a substantive standpoint, the issues raised included the streamlining of the Assembly's agenda, the role of the General Committee, the selection and appointment process of the Secretary-General, the working methods of the Fifth Committee and the perceived need to strengthen the Office of the President. In that context, the participants were informed that about 25 per cent of the staff members in the Office of the President from the seventieth session would remain in their posts for the seventy-first session and that, in turn, it was the intention to have staff from the seventy-first session continue to work in the Office for the subsequent session. That, it was suggested, would help to maintain the institutional memory required for the effective exercise by the President of his responsibilities. It was further argued that the Office should be endowed with sufficient budgetary resources to be able to function independently. As to the General Committee, it was concluded that it had unused potential and that the membership was forgoing a vehicle that could be used to better organize the work of the Assembly. Concerning the Assembly's agenda, it was noted that the President had an important leadership role to play by identifying areas of overlap in the Assembly's work. While the Secretariat could facilitate such a process, it needed to be driven strictly by Member States.

Practices and experiences of the intergovernmental negotiations on Security Council reform

The Chair of the intergovernmental negotiations on Security Council reform provided an overview of the negotiations process during the seventieth session. Having extensively consulted Member States at the beginning of the session, she had set out to build a process for the negotiations that would be based on the positions and proposals of Member States rather than on procedural matters. She had convened a series of informal plenary meetings, using the text and its annex circulated by the President of the sixty-ninth session of the General Assembly as a basis for discussions, starting with the less problematic issues, while bearing in mind their interlinkages. She noted that finding points of convergence and building on them would be the only way forward in the negotiations and that, with strong support from the President of the seventieth session, such had been her aim throughout the seventieth session.

The discussions on the relationship between the Council and the Assembly and on the size of an enlarged Council and its working methods, in particular, had yielded a high level of convergence and, in her capacity as Chair, she reflected that a paper that had been produced on the elements of convergence on two of the five key issues could help to inform future work in relation to the negotiations. Those elements had been further refined in two meetings with all Member States and the paper had subsequently been recirculated. In terms of lessons learned, it was beneficial to focus on substance over procedure and to facilitate serious engagement between the various groups and other interested Member States, while encouraging introspection and avoidance of repetitive statements. Some groups, for example, had made suggestions to merge language, but those efforts needed to be reciprocated. Looking to the next session, the paper could be a way forward as it reflected broad areas of convergence. At the same time, much more work needed to be done, which would be contingent on the political will of Member States to engage in sincere negotiations.

Discussion

In the subsequent exchange of views, various issues were raised. One participant enquired as to the potential political ramifications of the decision by the United Kingdom of Great Britain and Northern Ireland to leave the European Union in the future negotiations on Security Council reform and asked whether consideration had been given to who would chair the intergovernmental negotiations on Security Council reform during the seventy-first session. Another participant spoke on possible ways of moving forward on the reform, whereas yet another suggested that the intergovernmental negotiations presented a procedural step backwards from the Open-ended Working Group, which had preceded the current format, as there were no longer official records of the meetings. The view was expressed, however, that there would be reluctance among the wider membership to summaries being produced of the negotiations at the current stage, even though there was convergence in relation to two of the five key issues.

Closing remarks

At the end of the retreat, the Permanent Representative of Finland thanked all the participants for their active participation and concluded that the event had served its purpose by functioning as a clearing house on the themes under discussion and other items raised during the interactive discussions. That, he hoped, would facilitate the work of the President of the seventy-first session. He welcomed the frank presentation by the President of the seventieth session and noted his legacy in the area of strengthening transparency, which would surely help in the transition from one session to the next. Lastly, he expressed appreciation to the Under-Secretary-General, whose participation had provided substantive insight and given a stimulus to the deliberations.

United Nations A/71/934

General Assembly

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Seventy-first session
Agenda item 19
Sustainable development

Letter dated 16 June 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Turkmenistan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the outcome document of the Ashgabat International Energy Charter Forum entitled "Towards a multilateral framework agreement on transit of energy resources", held on 30 and 31 May 2017 in Ashgabat, under the chairmanship of Turkmenistan (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the General Assembly, under agenda item 19.

(*Signed*) Rovshen **Annaberdiyev**
Chargé d'affaires a.i.

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Annex to the letter dated 16 June 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Turkmenistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Outcome document of the Ashgabat International Energy Charter Forum, entitled "Towards a multilateral framework agreement on the transit of energy resources", under the chairmanship of Turkmenistan

The Ashgabat International Energy Charter Forum, entitled "Towards a multilateral framework agreement on the transit of energy resources", was held jointly by the Government of Turkmenistan and the secretariat of the International Energy Charter, under the chairmanship of Turkmenistan, as part of the International Energy Charter Conference on 30 and 31 May 2017. The Forum was attended by more than 80 participants, including ministers, high-level officials and leading experts from States members and observers of the International Energy Charter, international energy and financial organizations, energy companies and research institutions.

The subsidiary bodies of the Energy Charter Conference, chaired this year by Turkmenistan, are currently working towards developing the conditions for starting negotiations on a multilateral framework agreement on the transit of energy resources. In particular, the main task this year is to identify specific issues and challenges relating to transit, and to develop possible alternative solutions reflecting the needs of States members of the Energy Charter.

The current Forum, like the previous international expert meetings on reliable and stable energy transit held in Ashgabat (December 2014), Brussels (April 2015), Beijing (November 2015) and Tirana (July 2016), facilitated discussions on transportation and transit issues in a broad geographical context, and took into account the positions of various producer, consumer and transit countries.

During the Forum, the transit and cross-border transportation of energy resources, including natural gas, oil products and electricity, were discussed. Representatives of countries and international organizations noted the importance of international energy cooperation in order to achieve global energy security and the Sustainable Development Goals. It was pointed out that energy transit, which necessarily includes transportation and conditions for access to infrastructure, was one of the most important elements in the entire interconnected chain of supplying energy resources to international markets.

The trade, transportation and transit of natural and liquefied gas, oil and electricity were addressed at separate sessions of the Forum and the complexity of ensuring the security of energy transit was highlighted in view of the need for clear and consistent principles of multilateral cooperation among participants, who often pursue their own very specific interests. Energy-importing countries depend on foreign resources and are therefore strongly interested in continuous supplies of energy products to their borders to ensure the proper functioning of their national economies, whereas energy-exporting countries and their companies place great emphasis on the stability of markets as their income is derived from foreign trade. Ultimately, all countries are interested in minimizing transit risks to ensure their own security.

The importance of transit in the context of global energy security has already been addressed in United Nations General Assembly resolution 67/263, entitled "Reliable and stable transit of energy and its role in ensuring sustainable development and international cooperation", which was developed at the initiative of Turkmenistan and adopted by consensus on 17 May 2013. Nevertheless, there is still a need to develop multilateral legal instruments providing uniform principles and rules that govern relations among energy-producing, transit and consuming States. One potential instrument for international trade in energy resources currently being developed through the Energy Charter process, under the chairmanship of Turkmenistan, is a multilateral framework agreement on the transit of energy resources.

The participants in the Forum noted that there were issues related to the practical feasibility of investments, non-discriminatory access to infrastructure, and general pricing principles using existing infrastructure. The creation of an international legally binding transit regime for the cross-border transportation of natural gas, electricity and oil is a complex task. It was emphasized that the development of a single legally binding instrument on transit depended on the political will of States members of the International Energy Charter.

For its part, the Government of Turkmenistan will submit a report to the General Assembly on the energy transit work being undertaken in conjunction with the International Energy Charter pursuant to the General Assembly resolution 67/263. Moreover, as the Chair of the Energy Charter Conference in 2017, Turkmenistan calls on the sponsors of this resolution to join the Energy Charter process by signing a political declaration, namely the International Energy Charter, with a view to fully participating in the development of uniform energy transit principles and rules.

Today the Energy Charter Treaty is a unique legally binding instrument regulating energy transit, as reflected in the 2014 report of the Secretary-General of the United Nations entitled "Reliable and stable transit of energy and its role in ensuring sustainable development and international cooperation" (A/69/309). Signing the International Energy Charter that currently unites over 80 countries worldwide is the first step towards acceding to the Treaty, which aims to strengthen legal norms in the energy sector by applying uniform and binding rules for all participants and minimizing the risks associated with investments and the energy trade.

Geographical expansion of the Energy Charter, in a rapidly changing energy landscape, will allow existing and new members to define the principles of global interaction in the energy sector, including the transit issues on the agenda. In that connection, we call on the United Nations regional commissions and international energy and financial organizations, in view of their experience, to participate actively in the practical work of drafting a multilateral framework agreement on the transit of energy resources, thereby continuing the extensive global dialogue initiated by the General Assembly resolutions adopted in 2008 and 2013 on the reliable and stable transit of energy.

Considering the leading role of the International Energy Charter in the transit of energy, we believe it advisable to hold such meetings on a regular basis in the regional context, with a view to subsequently collating the results of activities in this area.

Participants highly appreciated the efforts of the Government of Turkmenistan and the International Energy Charter to promote a multilateral instrument on the transit of energy resources in order to achieve a balance of interests among exporting, consumer and transit countries. They also expressed their gratitude to the

Government and personally to the President of Turkmenistan, Gurbanguly Berdimuhamedov, for the support provided for the convening of the Ashgabat International Energy Charter Forum. It was also noted that the participants looked forward to the conclusions being incorporated in the political declaration to be adopted following the twenty-eighth session of the Energy Charter Conference in Ashgabat on 28 and 29 November 2017.

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Agenda item 32
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-second year

Identical letters dated 14 June 2017 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statement and first quarterly report (for the period January-March 2017) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).*

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 32, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Permanent Representative

* The annex is being circulated in the language of submission only.

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Annex to the identical letters dated 14 June 2017 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Ministry of Foreign Affairs published the First Quarterly Report for 2017 on the Human Rights Situation in the Occupied Regions of Georgia

For the year 2017, the Ministry of Foreign Affairs prepared the First Quarterly Report on the Human Rights Situation in the Occupied Regions of Georgia. The Report covers the period from January to March 2017 and reveals human rights violations in the occupied territories of Georgia during this period.

The report is prepared by the Ministry of Foreign Affairs of Georgia in coordination with various governmental agencies. The report is based on open sources of information and aims at providing the international community with periodic information on the human rights situation in Georgia's occupied territories in order to ensure its adequate reaction.

Gross violations of human rights, including inhuman treatment, arbitrary detention, restrictions of freedom of movement and mass infringement on property rights as well as restrictions on the right to receive education in the native language had been reported from the occupied territories in the indicated period. The process of installation of barbed wire fences, other artificial obstacles and banners across the occupation line adds to the gravity of the otherwise tense situation.

It should be emphasized that during the reporting period two more crossing points along the occupation line with the Abkhazian region were closed down. The international community expressed its concern regarding the closure of two additional crossing points and indicated detrimental implications of the above decision for the freedom of movement and therefore for access of basic services such as healthcare and education, especially those living in Gali district of the occupied Abkhazian region. According to the international community, the above decision will likely increase the risk of incidents, especially detentions.

The Ministry of Foreign Affairs is concerned about the human rights situation in the occupied territories of Georgia and appeals to the international community to take immediate and adequate measures for eradication of grave violations of human rights and all forms of ethnic discrimination in Abkhazia and Tskhinvali region.

First Quarterly Report (January-March 2017) of the Ministry of Foreign Affairs of Georgia on the Human Rights Situation in the Occupied Regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia has already prepared eight such reports: four reports in 2015 and four reports in 2016 (all available at <http://www.mfa.gov.ge/Occupied-Territories.aspx>). This is the first quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2017 covering the period of January-March 2017. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international intergovernmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The Russian Federation as the occupying power of two regions of Georgia – Abkhazia and the Tskhinvali region exercises effective control over these territories. Human rights situation in these territories remains alarming and these two regions of Georgia constitute above all dangerous "black holes" in terms of holding the human rights violators accountable. The Russian Federation as the occupying power has been preventing numerous international organizations from entering Abkhazia, Georgia and the Tskhinvali Region, Georgia.

4. It should be emphasized that in the reporting period, namely on 24th March 2017, the UN Human Rights Council adopted the resolution on "Cooperation with Georgia".[1] According to the resolution, serious concern is expressed "over the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions [of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia], by those in control of those regions." In the resolution serious concern was expressed "at the human rights and humanitarian situation in these regions [of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia] of Georgia". The resolution expressed concern "about reported kidnappings, arbitrary detention, interference with property rights, restrictions on access to education in one's native language, free movement and residence, as well as

[1] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

continued discrimination on the ground of ethnic origin in both regions". The resolution further expressed concern "that internally displaced persons and refugees continue to be deprived of the right to return to their homes in a safe and dignified manner". The resolution recognized "in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions, . . . [and called] for immediate access for the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia". [2] On 24th March 2017, Ms Baroness Anelay, Minister of State of the Foreign and Commonwealth Office of the UK, commented the adoption of the Human Rights Council resolution on "Cooperation with Georgia" and stated the following "I also welcome the adoption of the resolution on the situation in South Ossetia and Abkhazia. The human rights situation there is deeply concerning. For too long, international organisations have been denied access by the de facto authorities to these increasingly isolated territories."[3]

5. During the reporting period, namely on 26th January 2017 the Parliamentary Assembly of the Council of Europe (PACE) adopted Resolution 2149 (2017) on "the Progress of the Assembly's monitoring procedure (September-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany". In paragraph 10 of the Resolution, the Parliamentary Assembly of the Council of Europe (PACE) expressed its concern about developments and remaining shortcomings in a number of countries and with regard to the Russian Federation it noted the following "the occupation and illegal recognition of independence of Abkhazia, Georgia and South Ossetia, Georgia, in violation of, *inter alia*, international law, the Statute of the Council of Europe (ETS No. 1) and accession commitments." In paragraph 11 of the Resolution, the Parliamentary Assembly of the Council of Europe (PACE) called on "the authorities of the Russian Federation . . . to reverse the ethnic cleansing and the occupation of the Georgian regions of Abkhazia and South Ossetia and to allow international monitors on the ground".[4]

6. Recently the Secretary General of the Council of Europe published its 15th Consolidated Report on the Conflict in Georgia describing, *inter alia*, human rights situation in Abkhazia, Georgia and Tskhinvali region, Georgia and covering the period between October 2016 and March 2017. Thus part of the Council of Europe's report fully covers the reporting period[5] of the present reporting exercise. It should be noted that the delegation of the secretariat of the Council of Europe carried out a fact-finding visit to Georgia on 20-21 February 2017, however was not allowed to visit Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.[6] According to the Consolidated Report, "regrettably, since the

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[2] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

[3] *Baroness Anelay welcomes conclusions of UN Human Rights Council*, Minister of State of the Foreign and Commonwealth Office of the UK, 24 March 2017, available at <https://www.gov.uk/government/news/baroness-anelay-welcomes-conclusions-of-un-human-rights-council--4>

[4] "Progress of the Assembly's monitoring procedure (September-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany." Resolution 2149 (2017), 26 January 2017, the Parliamentary Assembly of the Council of Europe (PACE), paragraphs 10.7 and 11.7.

[5] January-March 2017.

[6] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraphs 4 and 5.

previous [consolidated] report, no progress has been made in terms of access of international human rights monitoring mechanisms, including those of the Council of Europe, to Sokhumi and Tskhinvali."[7] The Consolidated report emphasized that "[d]uring the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of internally displaced persons (IDPs) and refugees on the basis of internationally recognised principles."[8] According to the Consolidated Report, "new restrictions on freedom of movement enacted by the *de facto* authorities in Abkhazia and recurrent detentions across both Administrative Boundary Lines (ABLs) continued to trigger serious concerns during the reporting period, also in terms of their negative impact on human rights and safety. . . . It would appear that the new rules will have a particularly worrying effect on schoolchildren and humanitarian crossings. Crossing itinerary in some cases is extended to over 50 km. Moreover, the purported closure of yet another crossing point has been announced in the future, leaving only the Inguri road bridge."[9]

7. During the reporting period, namely on 9th March 2017, the UN Committee on the Rights of the Child issued "Concluding observations on the fourth periodic report of Georgia". In the Concluding observations, the Committee on the Rights of the Child noted "that Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, remain outside the effective control of the State party, which is a serious obstacle to the implementation of the Convention in those regions. The Committee welcomes the efforts undertaken by the State party to support health and education services in those regions. However, it is concerned about restrictions in those regions to freedom of movement, the access to quality health-care services, the right to education in one's native language, the rights of internally displaced children and continued discrimination on the basis of ethnicity in those regions."[10]

8. During the reporting period, namely on 3rd March 2017, the U.S. Department of State published Country Reports on Human Rights Practices for 2016.[11] According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, "Russian and Abkhaz de facto authorities, on the other hand, limited international organizations' ability to operate in Abkhazia, and Russian and South Ossetian de facto authorities limited international organizations, including humanitarian organizations, regular access to South Ossetia; . . . the most significant human rights problems reported during the year included: arbitrary detentions and deprivation of life by Russian and de facto authorities of Georgian citizens along the administrative boundary line with the country's occupied territories; . . . there were frequent reports of abductions along the administrative boundary lines of both occupied regions of Abkhazia and South Ossetia; . . . Russian border guards restricted the movement of the local populations."[12]

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[7] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 35.

[8] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 60.

[9] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraphs 14 and 43.

[10] *Concluding observations on the fourth periodic report of Georgia*, the UN Committee on the Rights of the Child, 9 March 2017. Paragraph 4, CRC/C/GEO/CO/4.

[11] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>

[12] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, pages 23-24, 1, 2 and 3.

9. During the reporting period, namely on 22rd February 2017, Amnesty International published its Report 2016/2017: The State of the World's Human Rights.[13] According to Amnesty International, "De facto authorities and Russian forces in the breakaway regions of Abkhazia and South Ossetia continued to restrict movement across the administrative boundary line, detaining dozens of people."[14]

10. During the reporting period, namely on 10th February 2017, the Public Defender of Georgia issued Special Report on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016). According to the report, human rights situation in the occupied territories of Georgia remains alarming in terms of women's rights and rights of children, more specifically human rights violations are at hand due to domestic violence; early marriage; honor killings; child poverty; documentation gap and related violations of rights; issues related to children's safety, illegal detentions and inappropriate and degrading treatment; issues related to education in one's native language and issues related to quality of education; and problems related to rights of children with disabilities. In his Special Report on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016) the Public Defender of Georgia called "the Russian Federation and the de-facto authorities to ensure the unrestricted operation of human rights organizations and international missions in Abkhazia and Tskhinvali region."[15]

11. It should be emphasized that during the reporting period, namely on 17th March 2017, INTERPOL issued a red notice warrant on Mr. Rashid Kanji-Ogli.[16] During the reporting period, namely on 10th March 2017, the Kutaisi Court of Appeals increased the sentence to fugitive Mr. Rashid Kanji-Ogli to 14 years.[17] It should be recalled here that in December 2016, Zugdidi District Court found, *in absentia*, fugitive Mr. Rashid Kanji-Ogli guilty of the charges filed against him and sentenced him to deprivation of liberty for a term of 12 years.[18] The case concerns violation of the right to life, namely on 19 May 2016 Mr. Giga Otkhozoria, was murdered by so called "border guards" deployed along the occupation line with Abkhazia. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the government of Georgia. After committing the murder Mr. Rashid Kanji-Ogli and his accomplices immediately fled to the occupied territory of Abkhazia. Under the existing circumstances, Mr. Rashid Kanji-Ogli and his accomplices still remain unpunished. The above situation with regard to the violation of the right to life of Mr. Giga Otkhozoria once

[13] *Amnesty International Report 2016/2017: The State of the World's Human Rights (Georgia 2016/2017)*, published on 22nd February 2017, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>
[14] *Amnesty International Report 2016/2017: The State of the World's Human Rights (Georgia 2016/2017)*, published on 22nd February 2017, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>
[15] *Special Report of Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016)*, 10 February 2017, pages 35-60, available at <http://www.ombudsman.ge/uploads/other/4/4459.pdf >
[16] *INTERPOL issued warrant on Mr. Rashid Kanji-Ogli, sentenced for murder of Mr Giga Otkhozoria,* "Fortuna", 17 March 2017, available at < http://fortuna.ge/giga-otkhozorias-mkvlelobistvis-msjavrdebul-rashid-kanjioghlize- interpolis-mier-dzebna-gamockhadda/>
[17] *Kutaisi Court of Appeals Aggravates Punishment of Rashid Kanji-Ogli, Convicted of the murder of Giga Otkhozoria,* Prosecutor's Office of Georgia, 10 March 2017, available at <http://pog.gov.ge/eng/news?info_id=1157>
[18] *Court Finds Rashid Kanji-Ogli, Accused of Giga Otkhozoria's Murder, Guilty,* Prosecutor's Office of Georgia, 28 December 2016, available at <http://pog.gov.ge/eng/news?info_id=1095>

again demonstrates that the occupied territories of Georgia remain "black holes" in terms of holding the violators of human rights accountable. According to 15th Consolidated Report of the Secretary General of the Council of Europe, "it was also reported to the delegation that a general insecurity feeling persists among the local population in Khurcha in the aftermath of the incident".[19]

Occupation Line and Installation of Barbed Wire Fences and other Artificial Obstacles

12. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories.

13. According to 15th Consolidated Report of the Secretary General of the Council of Europe, the international community also remains firm in its "opposition to the so-called "borderisation" activities and their impact on the local population, particularly as regards adverse effects on their freedom of movement, livelihood and security perceptions."[20] According to the Consolidated Report, "freedom of movement continues also to be very negatively affected by the ongoing so-called "borderisation" process, which according to information provided by the Georgian central government, has resulted in a 48 km stretch of fencing along the ABL [with the Abkhazian region]. . . Following the so-called "borderisation" phase that resulted in installation of fences and barbed wire stretching over 52 km along the ABL [with the Tskhinvali region], ploughing of furrows and deep ditches along the ABL were pursued during the period under review."[21]

14. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "Russian "borderization" of the administrative boundary lines of the occupied territories continued during the year [of 2016], separating residents from their communities and undermining their livelihoods. . . The restrictions tightened the Russian "borderization" of both administrative boundary lines and further restricted movement, creating physical barriers and obstructing access to agricultural land, water supplies, and cemeteries."[22]

15. According to Amnesty International Report 2016/2017: The State of the World's Human Rights, published during the reporting period, "continuing border fencing along the administrative boundary lines of the breakaway regions of Abkhazia and South Ossetia had further negative impact on economic and social rights of local residents."[23]

16. On 10th January 2017 an article was published by *CNN* which describes problems created

[19] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 38.
[20] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 53.
[21] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraphs 42 and 51.
[22] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, pages 2 and 24.
[23] *Amnesty International Report 2016/2017: The State of the World's Human Rights (Georgia 2016/2017)*, published on 22nd February 2017, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>

by the occupation line.[24] According to the article, "An EU monitoring mission patrols what is officially known as the Administrative Boundary Line between Georgia and the breakaway regions of South Ossetia and Abkhazia. In recent years, monitors say, the line has crept forward, swallowing farmland. "Many people don't know in many places where the line is," Kestutis Jankauskas, head of the EU monitoring mission, tells CNN. "It [the border] is being established by practice but it is nothing official. It is [a] very fluid notion of a line." Sometimes the Russian troops use razor wire fencing to mark what they see as the border; at others they post green signs saying "passage forbidden" in Georgian and English. These signs often stand alone, creating confusion for locals, who complain they've been detained and fined for unwittingly crossing the line. This year, the Russians dug two trenches through prime orchard land, claiming the move was for fire protection purposes, but Georgians who traversed the ditches say they were detained. "We don't know where and how far that line can move because it was never recognized; it was never negotiated," explains Jankauskas, adding that it is most likely based on old Soviet General Staff maps from the 1980s".[25]

New so called "Laws" and New Wave of so called "Passportisation"

17. It should be emphasized that the UN Human Rights Council resolution on "Cooperation with Georgia", adopted during the reporting period, expressed concern about "continued discrimination on the ground of ethnic origin in both regions".[26]

18. It should be recalled that on 1st April 2016, so called "law on legal status of foreign citizens in Abkhazia" and "law on entry and exit of Abkhazia" became operational. A similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". Adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. According to the Special Report of the Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016), published during the reporting period, "the majority of the population of Gali as well as some communities in Ochamchire and Tkvarcheli have no access to documents with which to realize their rights, including the rights to movement, private property, and access to education and health, among others."[27]

19. As part of the new wave of so called "passportisation" in the Abkhazian region, the issuance of so called "passports" started in May 2016 and it was continuing during the reporting period.[28] By the end of the reporting period, 12 000 so called "passports" were issued.[29] It is planned to issue

[24] *Returning home to find your house in a 'different country'*, Erin McLaughlin and Sebastian Shukla, CNN, 10 January 2017, available at <http://edition.cnn.com/2017/01/09/europe/georgia-south-ossetia-russia-border/>
[25] *Returning home to find your house in a 'different country'*, Erin McLaughlin and Sebastian Shukla, CNN, 10 January 2017, available at <http://edition.cnn.com/2017/01/09/europe/georgia-south-ossetia-russia-border/>
[26] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.
[27] *Special Report of Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016)*, 10 February 2017, page 51, available at <http://www.ombudsman.ge/uploads/other/4/4459.pdf>
[28] *Issuance of so called passports in occupied Abkhazia will be renewed from 27 March*, "Pirweli Information Agency", 24 March 2017, available at <http://www.pia.ge/post/110489-okupirebul-afxazetsi-e-w-pasportebis-gacema-27-martidan-ganaxldeba>
[29] *Passport administration renewed issuance of new Abkhaz passports*, "Apsny", 28 March 2017, available at <http://apsny.ru/news/?ID=28310&PAGEN_1=2>

altogether 100 000 so called "passports" by the end of 2017.[30] As for so called "passportisation" in the Tskhinvali region, 3114 so called "passports" were issued during 2016 by the Tskhinvali occupation regime.[31]

20. As a result of a reaction of the international community on the issue of adoption of so called new "laws" and so called "passportisation", decision was made in December 2016 to amend so called "law on legal status of foreign citizens in Abkhazia" and to enable residents of Gali district, holding Georgian citizenship, to obtain "residence permits".[32] More specifically, "in December 2016, the *de facto* Parliament of Abkhazia adopted changes to the *de facto* law on the status of foreign citizens that regulates, among other things, the status and rights of the ethnic Georgian population in the Gali district. . . . The new changes reportedly foresee that the majority of Gali district residents who have Georgian citizenship will be granted "permanent residency" rights, however, it is understood that these changes do not address all outstanding issues. While it is anticipated that one improvement might purportedly concern crossings along the ABL, lack of clarity persists with respect to other rights attached to the permanent resident status, such as property rights."[33] It should be noted that the process of issuance of so called "resident permits" to Gali residents holding Georgian citizenship did not start during the reporting period.[34]

II. Freedom from Torture and Ill-treatment

21. As described in previous quarterly reports of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia, the Russian FSB officers and representatives of the Sokhumi and Tskhinvali occupation regimes regularly take actions which amount to torture and ill-treatment.

22. The practice of torture and ill-treatment in the occupied regions of Georgia remained an issue of concern during the reporting period that was attested by various reports either published in the reporting period or covering the reporting period.

23. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "[i]ndividuals detained in Russian-occupied South Ossetia and Abkhazia who later returned to Georgian government-controlled territory reported incidents of mistreatment and abuse, including cigarette burns and beatings, while in custody, according to the EUMM. Human rights observers estimated half of the individuals detained by South Ossetian de facto authorities experienced some form of abuse. . . . Prison conditions in Abkhazia and South Ossetia were reported to be chronically substandard".[35]

[30] *Aslan Kobakhia: issuance of new passports will be renewed from 27 March*, "Apsnypress" 12 March 2017, available at <http://www.apsnypress.info/news/aslan-kobakhiya-vydacha-novykh-pasportov-vozobnovitsya-s-27-marta/>

[31] *State security committee declared the number of issued passports*, "Sputnik-Ossetia", 12 March 2017, available at <http://sputnik-ossetia.ru/South_Ossetia/20170312/3829571.html>

[32] *Resident Permits will be given foreign citizens in Gali*, "Apsny", 29 December 2016, available at <http://apsny.ru/news/?ID=26462>

[33] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf(2017)18, paragraphs 45-46.

[34] *Georgians living in Abkhazia are given new status*, "Pirweli Information Agency", 30 March 2017, available at <http://pia.ge/post/111850-afxazetsi-mcxovreb-qartvelebs-axali-statusi-mianiwes>

[35] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, page 6 and 7.

24. According to 15th Consolidated Report of the Secretary General of the Council of Europe, covering the reporting period, in the Abkhazian region "[w]hile as a rule those apprehended are released after being shortly detained and paying a "fine", the delegation continued to receive reports about instances of ill-treatment."[36]

25. According to Amnesty International Report 2016/2017: The State of the World's Human Rights, published during the reporting period, "De facto authorities and Russian forces in the breakaway regions of Abkhazia and South Ossetia continued . . . detaining dozens of people: several detainees complained of torture and other ill-treatment, including beatings, during the prolonged arbitrary detentions."[37]

26. On 23rd February 2017, a 70-year-old local resident was detained in the vicinity of the village of Gugutiantkari, Gori district for so called "illegal border crossing" along the occupation line with the Tskhinvali region. When detained, the local resident was collecting timber in his yard nearby the occupation line. The detainee was transported to the direction of Tskhinvali.[38] The detainee was physically abused when in detention.[39] After his release, due to his severe health conditions, he was immediately placed in Gori hospital.[40] The medical examination suggested that victim suffered a concussion as a result of physical abuse.[41]

27. According to the information disseminated on 3rd March 2017, a resident of the occupied Tskhinvali region was abducted and tortured.[42]

III. Arbitrary Detention

28. It should be emphasized that the UN Human Rights Council resolution on "Cooperation with Georgia", adopted during the reporting period, expressed concern "about reported kidnappings [and] arbitrary detention . . . in both regions".[43]

29. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "Russian border guards along the

[36] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf(2017)18, paragraph 44.
[37] *Amnesty International Report 2016/2017: The State of the World's Human Rights (Georgia 2016/2017)*, published on 22nd February 2017, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>
[38] *Nearby the village of Gugutiantkari 70-year-old Amiran Gugutishvili was detained by so called border guards*, "IPN", 25 February 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/420542-sofel-gugutianthkarthan-ets-mesazghvreebma-70-tslis-amiran-gugutishvili-daakaves.html?ar=A>
[39] *According to physician, 70-year-old Amiran Gugutishvili, who was released from Tskhinvali detention center, suffers a concussion*, "IPN", 28 February 2017, available at <http://www.interpressnews.ge/ge/regioni/420865-eqimis-informaciith-ckhinvalis-izolatoridan-gathavisuflebul-70-tslis-amiran-gugutishvils-tvinis-sheryeva-aqvs.html?ar=A>
[40] *Amiran Gugutishvili was released from Tskhinvali detention center*, "Imedi", 28 February 2017, available at <http://imedi.ge/index.php?rec_start=70&rec_start_nav=0&pg=shs&id_pr=10857&id=20>
[41] *According to physician, 70-year-old Amiran Gugutishvili, who was released from Tskhinvali detention center, suffers a concussion*, "IPN", 28 February 2017, available at <http://www.interpressnews.ge/ge/regioni/420865-eqimis-informaciith-ckhinvalis-izolatoridan-gathavisuflebul-70-tslis-amiran-gugutishvils-tvinis-sheryeva-aqvs.html?ar=A>
[42] *Ossetian Week: difficult happiness of constructor and again Eduard Kokoiti*, "ekhokavkaza", 3 March 2017, available at <https://www.ekhokavkaza.com/a/28349475.html>
[43] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

administrative boundary line with Abkhazia typically enforced the boundary-crossing rules imposed by de facto authorities by fining and releasing detained individuals. Along the South Ossetia administrative boundary line, Russian border guards frequently transferred individuals to de facto authorities. . . . There were also reports of arbitrary arrests of ethnic Georgians by the de facto authorities, particularly in the Tskhinvali and Gali regions of South Ossetia and Abkhazia, respectively. Detainees reported they were not informed of the reason for their arrest or why they were brought before a de facto prosecutor . . . . The EUMM also reported that, on at least one occasion, local South Ossetian border guards crossed into government-controlled territory to detain an individual."[44]

30. According to 15th Consolidated Report of the Secretary General of the Council of Europe, "representatives of the Georgian central government expressed fears that the practice of longer-term detentions could be reinstated. In this respect they once again drew the delegation's attention to the case of a Georgian IDP [Mr. Giorgi Giunashvil] from the Gori district that was detained in June 2016 for "illegal border crossing", and sentenced to over 20 years of imprisonment on 3 February 2017 allegedly on crimes relating to "illegal possession of weapons" during the August 2008 conflict."[45] It is particularly alarming that on 3rd February 2017 Mr. Giorgi Giunashvil was sentenced for 20 years of imprisonment in the occupied Tskhinvali region.[46] It should be recalled that on 8 June 2016, Mr. Giorgi Giunashvil, citizen of Georgia was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. Initially, the detainee was sentenced two months of imprisonment for so called "illegal border crossing". However, later so called "prosecutor's office" of the Tskhinvali occupation regime initiated "criminal case" against Mr. Giorgi Giunashvil.[47] The government of Georgia considers accusations against Mr. Giorgi Giunashvil to be groundless and fully fabricated therefore calls for his unconditional release.[48]

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[44] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, pages 3-4.

[45] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 56.

[46] *State Security Service of Georgia - State Security Service of Georgia will spare no efforts in order to free Mr Giorgi Giunashvili from illegal detention*, "IPN", 5 February 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/417528-susi-sakhelmtsifo-usafrthkhoebis-samsakhuri-giorgi-giunashvilis-ukanono-patimrobidan-dasakhsnelad-yvelafers-gaakethebs.html?ar=A>

[47] *IPRM Meeting held in Ergneti*, State Security Service of Georgia, 19 July 2016, available at <http://ssg.gov.ge/en/news/152/IPRM-Meeting-Held-in-Ergneti>; *10 issues discussed in the framework of Incident Prevention and Reaction Mechanism (IPRM)*, "Kvira.ge", 19 July 2016, available at <http://kvira.ge/%E1%83%98%E1%83%9C%E1%83%AA%E1%83%98%E1%83%93%E1%83%94%E1%83%9C %E1%83%A2%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%A0%E1%83%94%E1%83%95%E1%83%94%E1%83%9C%E1%83%AA%E1%83%98% E1%83%98-4/>

[48] *State Security Service of Georgia - State Security Service of Georgia will spare no efforts in order to free Mr Giorgi Giunashvili from illegal detention*, "IPN", 5 February 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/417528-susi-sakhelmtsifo-usafrthkhoebis-samsakhuri-giorgi-giunashvilis-ukanono-patimrobidan-dasakhsnelad-yvelafers-gaakethebs.html?ar=A>; *Giorgi Giunashvili was sentenced 20 years of imprisonment by Tskhinvali court*, "IPN", 5 February 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/417514-giorgi-giunashvils-ckhinvalis-sasamarthlom-20-tsliani-patimroba-sheufarda.html?ar=A>

State Security Service of Georgia - State Security Service of Georgia will take all available measures in order to free Mr Giorgi Giunashvili from illegal detention, "IPN", 5 February 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/417528-susi-sakhelmtsifo-usafrthkhoebis-samsakhuri-giorgi-giunashvilis-ukanono-patimrobidan-dasakhsnelad-yvelafers-gaakethebs.html?ar=A>

31. It is also alarming that during the reporting period a citizen of Georgia - Mr Giorgi Lukava remained in illegal detention in so called Sokhumi prison. Mr Giorgi Lukava was detained in 2012 in the occupied Abkhazian region and was sentenced for life imprisonment. [49] The government of Georgia demands immediate release of Mr Giorgi Lukava from illegal detention.[50]

32. During the reporting period numerous cases were reported on arbitrary detention in the occupied regions of Georgia. Below are only few examples.

33. On 7th January 2017, along the occupation line with Tskhinvali region, the Russian FSB officers abducted a local resident from the adjacent village. The local resident was abducted when approaching local church in order to celebrate Orthodox Christmas Day.[51]

34. On 27th January 2017, two women, both of them residents of Tbilisi, were detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with the Tskhinvali region.[52]

35. On 16th February 2017, a resident of the town of Anaklia, Zugdidi district, was detained by the Russian FSB officers for so called "illegal border crossing" nearby the occupation line with the Abkhazian region and "criminal charges" were filed against him for the above reason. Later the detainee was freed but was banned from leaving the occupied territory of Abkhazia until "criminal investigation" is pending.[53]

36. On 9th March 2017, three women were detained for so called "illegal border crossing" along the occupation line with Abkhazia. All of them were transported to so called "Sokhumi detention centre" on the territory of the occupied Abkhazia. They were travelling to the occupied territory of Abkhazia in order to attend funeral service of their relative when they were detained.[54]

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[49] *Abkhazian de facto authorities do not confirm the fact of moving Giorgi Lukava from Drand prison*, "Pirweli Information Agency", 15 November 2016, available at <http://pia.ge/post/99592-afxazetis-de-faqto-xelisufleba- giorgi-lukavas-drandis-cixidan-gayvanis-faqts-ar-adasturebs>

[50] *Georgia Raises Three Key Issues at IPRM Meeting in Gali*, "Georgia Today", 23 February 2017, available at <http://georgiatoday.ge/news/5909/Georgia-Raises-Three-Key-Issues-at-IPRM-Meeting-in-Gali>

[51] *25-year-old man was abducted from the village of Jariasheni*, "Info 9", 7 January 2017, available at <http://www.info9.ge/konfliqtebi/163438-sofel-jariashenidan-25-tslis-mamakaci-gaitaces.html?lang=ka-GE >

[52] *Two residents of Tbilisi were detained by Russian Occupants – detention at the occupation line*, "Newposts", 1 February 2017, available at <http://www.newposts.ge/?l=G&id=131238-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98,%20%E1%83%A2%E1%83%A7%E1%83%95%E1%83%94%E1%83%9D%E1%83%91%E1%83%90%E1%83%A8%E1%83%98>

[53] *Russian Occupants detained one person in Samegrelo for so called illegal border crossing*, "IPN", 17 February October 2017, available at <http://www.interpressnews.ge/ge/konfliqtebi/419265-rusma-okupantebma-samegreloshi-ets-sazghvris-ukanonod-gadakvethis-braldebith-erthi-piri-daakaves.html?ar=A>; *A citizen of Georgia was detained in Gali district for illegal state border crossing of republic of Abkhazia*, "Apsnypress", 18 February 2017, available at <http://www.apsnypress.info/news/v-galskom-rayone-zaderzhan-grazhdanin-gruzii-za- nezakonnoe-peresechenie-gosgranitsy-respubliki-abkha/>; *A resident of Anaklia abducted by Russian militaries is freed*, "Livepress", 17 February 2017, available at <http://www.livepress.ge/ka/akhali-ambebi/article/18211-gamgebelirusethissamkhedroebismiermotacebulianakliismkvidrigathavisuflebulia.html>

[54] *Three women were detained along administrative border with Abkhazia*, "Newposts", 14 March 2017, available at <http://www.newposts.ge/?l=G&id=134910-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%83%94%E1%83%97%E1%83%98,%20%E1%83%93%E1%83%90%E1%83%99%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%90>

IV. Freedom of Movement

37. It should be emphasized that the UN Human Rights Council resolution on "Cooperation with Georgia", adopted during the reporting period, expressed concern about restrictions on "free movement and residence . . . in both regions".[55] According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "de facto authorities and Russian occupying forces limited this freedom [of movement] in Abkhazia and South Ossetia. . . . De facto authorities and Russian forces in the occupied regions of Abkhazia and South Ossetia also restricted the movement of the local population across the administrative boundaries for medical care, pension services, religious services, and education."[56] In addition, it has been argued that "separation of family members appears to remain a pressing concern for the local population in Akhalgori [in the Tskhinvali region]."[57]

38. According to 15th Consolidated Report of the Secretary General of the Council of Europe, "the main critical development over the reporting period [in the Abkhazian region] concerns the closure of two additional crossing points on the ABL, namely Khurcha/Nabakevi and Meore- Otobaia/Orsantia, pursuant to a decision of the *de facto* authorities adopted on 28 December 201[6], which became effective on 5 March 2017."[58] It should be emphasized that the closure of two additional crossing points along the occupation line with Abkhazia was followed by the reaction on behalf of the international community. The international community has expressed concern on the issue of closure of two additional crossing points and indicated negative implications of the above decision for living conditions of local residents and their human rights, including the freedom of movement. Below are listed some examples of that reaction.

39. Spokesman for the UN Secretary-General stated that "we regret the recently announced plans to close two additional crossing points along the Inguri River, Georgia, which will be detrimental to the freedom of movement and overall well-being of the population, including school children, on both sides of the administrative boundary line, especially those living in the Gali District."[59] The UN Resident Coordinator in Georgia stated that "the United Nations are concerned that the announced restrictions will have negative consequences for the humanitarian and development needs of those living in Abkhazia, Georgia. As movement is further restricted, the people of Abkhazia will find it more difficult to access basic services such as healthcare and education and participate in economic activities and social events such as weddings, funerals and public holiday commemorations, as well as family gatherings across the dividing line. Notably, access to education for children who have been crossing to attend schools in their mother tongue will be

[55] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

[56] *Georgia 2016 Human Rights Report*, U.S. Department of State, a published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, pages 23-24.

[57] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 57.

[58] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 40.

[59] *In response to questions on the announced closure of crossing points along the Ingurui River, the Spokesman has the following to say*, Stephane Dujarric, Spokesman for the UN Secretary-General, 27 February 2017, available at <https://www.un.org/sg/en/content/sg/note-correspondents/2017-02-27/note-correspondents-response-questions>

impeded".[60] Spokesperson for the EU stated that "the announced closure of two crossing points along the Administrative Boundary Line of Georgia's breakaway region of Abkhazia - Nabakevi-Khurcha and Meore Otobaia-Orsantia - which are used daily by hundreds of commuters, will be detrimental to the freedom of movement of the population, including school children, on both sides of the Administrative Boundary Line. It will likely increase the risk of incidents, especially detentions."[61] According to the European Union Monitoring Mission in Georgia (EUMM) "EUMM expressed serious concern about the announced closure of crossing points, emphasizing the negative impacts such a step would have on the daily lives of local residents who cross the ABL. Special emphasis was put on the challenges to freedom of movement for schoolchildren and for patients crossing for medical care."[62] Spokesperson of the OSCE Chairmanship stated that "we have closely followed the latest developments on the ground. We believe this decision has a number of negative consequences, in particular concerning the freedom of movement of the population on both sides of the Administrative Boundary Line. We therefore call for meaningful dialogue as well as swift and pragmatic solutions, in order to avoid further repercussions for the local population's everyday life."[63] Spokesperson by the NATO stated that "I am concerned by the announced closure of two crossing points along the administrative boundary line of the Abkhazia region of Georgia. Closing these crossing points, which are used daily by hundreds of citizens, will have a negative impact on the situation on the ground and stability in the region. It will restrict freedom of movement, affecting the livelihoods of local residents."[64] The co-rapporteurs of the Parliamentary Assembly of the Council of Europe for the monitoring of Georgia, visited Georgia from 28 to 30 March 2017 and at the end of their visit "expressed their serious concerns about . . . the closure of crossings of the ABL between Abkhazia and the rest of Georgia."[65] According to 15th Consolidated Report of the Secretary General of the Council of Europe, "[i]t is anticipated that the reduction in the number of crossing points will inevitably lead to an increased number of detentions, which continue to occur regularly in case of crossings in "unauthorised" points and/or due to lack of valid documents."[66] Respective statements were made by the United States[67], Lithuania[68] and Japan[69].

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[60] *UN Speaks Out against Inguri River Crossing Closures*, "Georgia Today", 26 January 2017, available at <http://georgiatoday.ge/news/5681/UN-Speaks-Out-against-Inguri-River-Crossing-Closures>

[61] *Statement on the latest developments along the Administrative Boundary Line of Georgia's breakaway region of Abkhazia*, Spokesperson for the EU, 25 January 2017, available at <https://eeas.europa.eu/headquarters/headquarters-homepage/21406/statement-latest-developments-along-administrative-boundary-line-georgias-breakaway-region_en>

[62] *EUMM participates in 42nd meeting of Gali IPRM*, EUMM, 25 January 2017, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/5726/?print=yes>

[63] *OSCE Chairmanship concerned about closure of crossing points, stresses negative implications for local population*, Spokesperson of the OSCE Chairmanship, 7 March 2017, available at <http://www.osce.org/cio/303171>

[64] *Statement by the NATO Spokesperson Oana Lungescu on developments along administrative boundary lines in Georgia*, Spokesperson of the NATO, 28 February 2017, available at <http://www.nato.int/cps/en/natohq/news_141873.htm?utm_source=twitter&utm_medium=press&utm_campaign=170228-georgia>

[65] *Georgia: rapporteurs welcome progress made and hope the authorities will soon address outstanding issues*, 3 April 2017, available at <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6579&lang=2 >

[66] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 44.

[67] *United States Deeply Concerned by Closure of Crossing Points in Georgia's Abkhazia Region (March 6)*, Acting Spokesperson, Washington DC, 6 March 2017, available at <https://ge.usembassy.gov/united-states-deeply-concerned-closure-crossing-points-georgias-abkhazia-region/>

[68] *Lithuanian Foreign Ministry's statement on closure of two crossing points in Georgia's breakaway region of Abkhazia*, Ministry of Foreign Affairs of Lithuania, 1 March 2017, available at <http://urm.lt/default/en/news/lithuanian-foreign-ministrys-statement-on-closure-of-two-crossing-points-in-georgias-breakaway-region-of-abkhazia>

40. According to the information disseminated on 23rd January 2017, some ethnic Abkhazians were against the decision on closing down two additional crossing points.[70] It should be emphasized that on 25th January 2017 around 200 ethnic Georgians, all residents of Gali district of the occupied Abkhazian region, held a peaceful rally protesting against the decision on closing down two additional crossing points.[71] Another protest rally of Gali residents against the decision on closing down two additional crossing points was held on 23rd February 2017.[72]

41. According to 15th Consolidated Report of the Secretary General of the Council of Europe, "It was reported to the delegation that the so-called "border zone" with a specific regime adjacent to the ABL inside the territory of Abkhazia had been expanded since November 2016. . . . At the same time, the delegation was informed that the *de facto* authorities [in the Tskhinvali region] had eased some of the restrictions in terms of access to the so-called "border zone" adjacent to the ABL, following several protests and criticism by South Ossetia residents who were unable to visit villages situated within the designated area. In particular, on 27 January 2017, the *de facto* government removed special permissions required to enter the so-called "border zone". Other restrictions including the requirement of a permission to carry out livelihood activities within 100 m distance from the ABL reportedly remains in force."[73]

42. It should be emphasized that according to the information disseminated on 18th January 2017, the Sokhumi occupation regime is planning to adopt so called "law" aiming at tightening of sanctions for so called "illegal border crossing". According to the so called "draft law", fines for so called "illegal border crossing" will increase to the amount of 80 to 100 fold of minimum wage of a detainee and detention period can last 15 days in cases of recurrence of "illegal border crossing".[74] According to 15th Consolidated Report of the Secretary General of the Council of Europe, "[w]hile as a rule those apprehended are released after being shortly detained and paying a "fine", . . . [a] drastic increase in "fines" – up to ten times higher – for recurrent "violations" is reported to be recently enforced [in the Abkhazian region]."[75]

43. In his Special Report on the Rights of Women and Children in Conflict-Affected Regions

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[69] *Statement of the Embassy of Japan in Georgia on the so-called "referendum" in the Georgia's Tskhinvali region/South Ossetia and the closure of so-called crossing points along the occupation line of Abkhazia*, 1 March 2017, available at <http://www.ge.emb-japan.go.jp/files/statement_01.03.2017/statement_01.03.2017_eng.pdf>

[70] *Abkhazians are protesting against closing down crossing points along the administrative boundary line with Abkhazia*, "Pirweli Information Agency", 23 January 2017, available at <http://pia.ge/post/98361-okupirebul-afxazetsi-sesazloa-2-e-w-gamsvebi-punqtebi-arar-daixuros>

[71] *Residents of Gali district came out for protest*, "ekhokavkaza", 25 January 2017, available at <https://www.ekhokavkaza.com/a/28257996.html>; *Abkhazian senior official advises Georgian residents of Gali not to cross redlines*, "Pirweli Information Agency", 27 January 2017, available at <http://pia.ge/post/99437-afxazi- maralcinosnebi-galel-qartvelebs-zrvris-gadakvetas-ar-urceven>

[72] *Georgian residents of Gali held another protest rally*, "Pirweli Information Agency", 24 February 2017, available at <http://pia.ge/post/104260-galelma-qartvelebma-morigi-aqcia-gamartes>

[73] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraphs 43 and 52.

[74] *Occupied Abkhazia is planning to tighten sanctions for so called illegal border crossing*, "Pirweli Information Agency", 18 January 2017, available at <http://pia.ge/post/97770-okupirebuli-afxazeti-e-w-sazrvris-ukanono- gadakvetaze-sanqciebis-gamkacrebas-apirebs>

[75] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 44.

(Review of 2014-2016) the Public Defender of Georgia called for ensuring "that minors no longer be detained and patients be permitted to cross [the occupation line] at any point of the day. Issues related to treatment during detentions and the practice of nighttime release of detainees should be discussed during the negotiations."[76]

V. Right to Property

44. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "In Abkhazia the de facto legal system prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving IDPs of their property rights in Abkhazia. In a 2010 decree, South Ossetian de facto authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhalgori Region. The decree also declared all property in Akhalgori belongs to the de facto authorities until a "citizen's" right to that property is established in accordance with the de facto "law," effectively stripping ethnic Georgians displaced in 2008 of their property rights in the region. . . . De facto authorities in the separatist regions of Abkhazia and South Ossetia restricted the rights, primarily of ethnic Georgians, to . . . own property."[77]

45. It should be emphasized that during the reporting period, namely on 1st January 2017 so called "law on privatization of republican and municipal property" became operation in occupied Abkhazia.[78] The so called "law" regulates privatization of property of "Republic of Abkhazia" (republican property) and "Administrative-Territorial entities" (municipal property) to natural and legal persons. It is particularly alarming that the above so called "law", *inter alia*, opens illegal prospects for selling the abandoned property of internally displaced persons and refuges from Abkhazian region which were in the possession of "Republic of Abkhazia" (republican property) and "Administrative-Territorial entities" (municipal property) before adoption of this so called "law".[79]

46. It should be emphasized that the UN Human Rights Council resolution on "Cooperation with Georgia", adopted during the reporting period, expressed concern about "interference with property rights . . . . in both regions".[80]

47. According to Amnesty International Report 2016/2017: The State of the World's Human Rights, "increased fencing along the administrative boundary lines negatively impacted the rights to work, food and adequate standard of living of local residents, after they lost access,

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[76] *Special Report of Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016)*, 10 February 2017, page 59, available at <http://www.ombudsman.ge/uploads/other/4/4459.pdf >

[77] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, page 18 and 2.

[78] *"Law on privatization of republican and municipal property"*, paragraph 1, Article 38, available at <https://abh-n.ru/zakon-o-privatizacii-respublikanskoj-i-municipalnoj-sobstvennosti/>

[79] *Program "Abkhazia"*, 26 October 2017, available at <https://www.youtube.com/watch?v=sqJJmTcwxBw>; *Program "Abkhazia"*, 24 January 2016, available at <https://www.youtube.com/watch?v=pSCCxyo7m6w>

[80] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

partly or completely, to their orchards, pasture and arable land."[81]

48. According to 15th Consolidated Report of the Secretary General of the Council of Europe, during the reporting period, due to the so-called "borderisation", "local residents continued to be unable to access their agricultural and grazing lands in particular during the harvesting period."[82]

49. On 13 March 2017, an article was published in *npr* which describes problems created by the occupation line along the Tskhinvali region.[83] More specifically, according to article "Farmers along the boundary have gone to bed one night thinking their fields and orchards were in Georgia, only to wake up and discover fencing and trenches indicating otherwise. New green signs announcing the presence of a South Ossetian "state border" occasionally pop up in places previously understood to be well within Georgian territory. For now, the boundary is, effectively, wherever Russia says it is. Russia claims it is following old Soviet military maps defining the border of South Ossetia, which was considered a province of sorts in Soviet times. But maps defining that territory are unpublished. "If you have a so-called border in the middle of a village, in the middle of the orchards, it creates huge problems for the local community, for the society," says Tomasz Szablowski, a monitor for the European Union. . . . The village, explains music teacher Zizi Kurmashvili, used to be prosperous — people had huge apple, peach and plum orchards and there was a thriving market. Now, she says, Russia has stolen their land and their water, and people can't make any money."[84]

50. It should be noted that according to the information disseminated on 18th January 2017, the Sokhumi occupation regime is planning to adopt so called "law" providing for the possibility of confiscation of personal belongings in cases of so called "illegal border crossing".[85]

51. According to the information disseminated on 22nd January 2017, the Russian FSB officers searched several citizens of Georgian at so called crossing point along the occupation line with Abkhazia and confiscated their personal mobile phones for the reason that these mobile phones were switched to the Georgian cellular network operators.[86] According to the same source, people wishing to cross the occupation line with Abkhazia are forced to pay additional toll for personal belongings exceeding the weight of 10 kilos.[87]

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[81] *Amnesty International Report 2016/2017: The State of the World's Human Rights (Georgia 2016/2017)*, published on 22nd February 2017, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/georgia/report-georgia/>

[82] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 51.

[83] *Along A Shifting Border, Georgia And Russia Maintain An Uneasy Peace*, Stephanie Joyce, npr, 13 March 2017, available at <http://www.npr.org/sections/parallels/2017/03/13/519471110/along-a-shifting-border-georgia-and- russia-maintain-an-uneasy-peace>

[84] *Along A Shifting Border, Georgia And Russia Maintain An Uneasy Peace*, Stephanie Joyce, npr, 13 March 2017, available at <http://www.npr.org/sections/parallels/2017/03/13/519471110/along-a-shifting-border-georgia-and- russia-maintain-an-uneasy-peace>

[85] *Occupied Abkhazia is planning to tighten sanctions for so called illegal border crossing*, "Pirweli Information Agency", 18 January 2017, available at <http://pia.ge/post/97770-okupirebuli-afxazeti-e-w-sazrvris-ukanono-gadakvetaze-sanqciebis-gamkacrebas-apirebs>

[86] *Citizens using so called pedestrian crossing points are fined in occupied Abkhazia*, "Newposts", 22 January 2017, available at <http://www.newposts.ge/?id=130280>

[87] *Citizens using so called pedestrian crossing points are fined in occupied Abkhazia*, "Newposts", 22 January 2017, available at <http://www.newposts.ge/?id=130280>

52. On 2nd March 2017, representative of the Tskhinvali occupation regime declared that "it is necessary to explain to residents of adjacent villages not to cultivate plots of land located at the other side of border line . . . During this year there will be no compromise in terms of allowing illegal harvesting of crops".[88]

VI. Right to Education in the Native Language

53. During the reporting period, the situation with regard to the right to education in the native language in the Gali district of the occupied Abkhazian region remained the same. It should be emphasized that the UN Human Rights Council resolution on "Cooperation with Georgia", adopted during the reporting period, expressed concern about "restrictions on access to education in one's native language".[89]

54. According to 15th Consolidated Report of the Secretary General of the Council of Europe, covering the reporting period, "it is recalled that Russian has replaced Georgian as the language of instruction in all 11 schools in Lower Gali [in the Abkhazian region] in the grades from one to five, following the practice enforced in the Upper Gali where all schools shifted to Russian language curricula since 2008. In these grades, access to the native Georgian language has been reduced to two classes per week of Georgian as a foreign language, which are taught in addition to one class of Georgian literature per week. In discussions with the delegation, representatives of the Georgian central government also expressed concerns that training of Gali teachers has become more difficult in view of stricter controls and that Georgian textbooks provided by the Ministry were confiscated on several occasions. . . . Both Georgian and international interlocutors also pointed to a growing dropout rate believed to be due to the combined effect of reduced access to native language and the growing restrictions on freedom of movement of schoolchildren in spite of the assurances provided in this latter respect by the Abkhaz side in the beginning of the 2016 school year."[90]

55. According to the U.S. Department of State's Country Reports on Human Rights Practices for 2016, published during the reporting period, "Ethnic Georgians living in the Gali District of Abkhazia faced problems receiving an education in the Georgian language. According to the EUMM in Georgia, some Gali students seeking to attend school in government-administered territory faced difficulties at the start of the school year crossing the administrative boundary to attend school."[91]

56. According to the Special Report of the Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016), published during the reporting period, "restrictions imposed on movement across the Administrative Boundary Line have also affected access to education for those students who cross the Line on a daily basis due to the geographic proximity of schools. Because of these restrictions, the number of such

[88] *Georgian violators of border were expelled from South Ossetia*, "Sputnik-Ossetia", 2 March 2017, available at <http://sputnik-ossetia.ru/South_Ossetia/20170302/3791660.html>

[89] "Cooperation with Georgia", Resolution adopted by the UN Human Rights Council, 24 March 2017, 34th session (27 February-24 March 2017), A/HRC/RES/34/37.

[90] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraphs 47-48.

[91] *Georgia 2016 Human Rights Report*, U.S. Department of State, published on 3rd March 2017, available at <https://www.state.gov/documents/organization/265634.pdf>, page 42.

students decreases from year to year. In addition, only those students who are on a special list kept by the Russian border guards are able to cross the Administrative Boundary Line to attend school."[92]

57. It has been argued that the closure of two additional crossing points along the occupation line with Abkhazia "will have a particularly worrying effect on schoolchildren and humanitarian crossings. Crossing itinerary in some cases is extended to over 50 km."[93] And "EUMM expressed serious concern about the announced closure of crossing points, emphasizing the negative impacts such a step would have on the daily lives of local residents who cross the ABL. Special emphasis was put on the challenges to freedom of movement for schoolchildren . . ."[94]

VII. Conclusions

58. It can be concluded that the situation described in the occupied regions of Georgia and examples provided for the reporting period constitute violations of various human rights and freedoms included but not limited to violations of freedom from torture and ill-treatment[95]; arbitrary detention[96]; the right to freedom of movement[97]; the right to property[98]; the right to education in one's native language[99]; and prohibition of discrimination[100].

VIII. Appeal to the International Community

59. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

> to call on the Russian Federation to reverse its recognition of independence of the Georgian regions Abkhazia and Tskhinvali and to end the occupation of the Georgian territories;

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[92] *Special Report of Public Defender of Georgia on the Rights of Women and Children in Conflict-Affected Regions (Review of 2014-2016)*, 10 February 2017, page 56, available at <http://www.ombudsman.ge/uploads/other/4/4459.pdf>

[93] Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (October 2016 – March 2017), 2016, SG/Inf (2017)18, paragraph 42.

[94] *EUMM participates in 42nd meeting of Gali IPRM*, EUMM, 25 January 2017, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/5726/?print=yes>

[95] Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

[96] Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.

[97] Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.

[98] Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

[99] Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.

[100] Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and the International Convention on the Elimination of All Forms of Racial Discrimination.

to call on the Russian Federation to stop violations of human rights on the occupied territories while exercising effective control;

to continue calling on the Russian Federation to ensure free movement of people and removal of barbed and razor wires and other artificial obstacles and banners along the occupation line; to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

i) Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue efforts with the aim to access the Abkhazia and Tskhinvali regions of Georgia, pursuant to the HRC Resolution A/HRC/RES/34/37.

ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".

to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as the right to life; freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

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General Assembly

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Seventy-first session
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Appointments to fill vacancies in subsidiary organs and other appointments

Confirmation of the appointment of the Secretary-General of the United Nations Conference on Trade and Development

Note by the Secretary-General

1. Section II, paragraph 27, of General Assembly resolution 1995 (XIX) provides that the Secretary-General of the United Nations Conference on Trade and Development shall be appointed by the Secretary-General of the United Nations and that the appointment shall be confirmed by the General Assembly.

2. Pursuant to that resolution, the Secretary-General requests the General Assembly to confirm the appointment of Mr. Mukhisa Kituyi as Secretary-General of the United Nations Conference on Trade and Development for a further four-year term of office, beginning on 1 September 2017 and ending on 31 August 2021.

3. The Secretary-General expresses the hope that the General Assembly will confirm the appointment.

17-10140 (E) 200617

Please recycle

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Agenda item 41
Question of Cyprus

Security Council
Seventy-second year

Letter dated 19 June 2017 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I transmit herewith two documents detailing the infringements of international air traffic regulations and violations of the national airspace of the Republic of Cyprus by Turkey (see annex I) and the illegal use of closed ports by Turkish warships (see annex II) during the month of May 2017. It should also be noted that Turkish commercial aircraft systematically use the illegal airport of Tympou.

Furthermore, I wish to inform you that the occupation regime illegally issued four notices to airmen relating to exercises conducted by the Turkish Air Force in May 2017.

In addition, more recently, the occupation regime has started interfering with radio frequencies, including distress and emergency frequencies, of the Republic of Cyprus, thus obstructing the smooth operation of the NAVTEX service that delivers navigational and meteorological warnings and forecasts, as well as urgent maritime safety information, to ships.

The actions of Turkey are clearly aimed at undermining the sovereignty of the Republic of Cyprus, bolstering the continuing de facto division and upgrading the secessionist entity's status, by claiming a purported airspace over the occupied territory of the Republic. In addition, Turkey continues to systematically harass civilian and military aircraft within the Nicosia flight information region (FIR) via radio calls. Meanwhile, Nicosia FIR infringements and violations of the national airspace of the Republic of Cyprus continue unabated. The policy of Turkey of persistently breaching international law and defying international rules and regulations puts the safety of international civil aviation at risk, has a negative impact on the stability of the region and causes difficulties for air traffic over Cyprus.

It should further be underlined that the continuation of the illegal actions of Turkey creates tension during a critical period for the successful outcome of the ongoing negotiation process for a peaceful comprehensive solution to the Cyprus problem.

17-10355 (E) 290617

Please recycle

On behalf of my Government, I strongly protest against the continuing infringements of international air traffic regulations and the violations of the national airspace and the territorial waters of the Republic of Cyprus by Turkey and appeal for their immediate cessation. The Republic of Cyprus reiterates, in this respect, its call for adherence to the principle of sovereignty and non-interference enshrined in the Charter of the United Nations.

I should be grateful if you would circulate the present letter and its annexes as a document of the General Assembly, under agenda item 41, and of the Security Council.

(*Signed*) Kornelios **Korneliou**

Annex I to the letter dated 19 June 2017 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Airborne violations

Date	*Time*	*Nature of violation*
2 May	1820-2127	One Turkish military helicopter infringed international air traffic regulations by entering the Nicosia flight information region (FIR) without diplomatic permit and without contacting the Nicosia area control centre (ACC).
3 May	1059-1400	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1106-1125	One B-200 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1353-1417	Two F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1700-1718	One B-200 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
4 May	0848-0905	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	0939-1110	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1057-1112	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1121-1221	Two Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
5 May	1705-1750	One Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
7 May	1524-1608	One Turkish military helicopter infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
8 May	1127-1300	Two Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1528-1539	Four F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1830-1852	One PC-12 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
9 May	1020-1130	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
10 May	1135-1233	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1310-1330	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
11 May	1047-1219	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1052-1137	Two Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
15 May	1355-1455	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
16 May	0932-1110	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1405-1438	One Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1410-1436	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1602-1620	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1800-1822	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	2017-2032	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
17 May	1034-1051	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1237-1252	One C-130 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
19 May	0804-0816	One C-130 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
23 May	1408-1532	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
	1723-1751	Two Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
24 May	0949-0955	One Cougar Turkish military helicopter and one UH-1 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1035-1215	One CN-235 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1107-1201	Two F-16 and two F-4 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1130-1204	Two F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
25 May	1020-1138	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1228-1335	One Cougar Turkish military helicopter and one UH-1 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1258-1320	One PC-12 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1603-1702	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Date	*Time*	*Nature of violation*
	1808-1830	One PC-12 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
28 May	0635-0743	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
29 May	1022-1319	One Turkish military helicopter infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1051-1200	One Cougar Turkish military helicopter infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1245-1532	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1437-1523	Two F-16 and two F-4 Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
	1502-1534	Two F-16 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
30 May	1851-2027	Two Cougar Turkish military helicopters infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.
31 May	1000-1230	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	1605-1855	One CN-235 Turkish military aircraft infringed international air traffic regulations by entering the Nicosia FIR without diplomatic permit and without contacting the Nicosia ACC.
	2300-2318	One Turkish military aircraft infringed international air traffic regulations and violated the national airspace of the Republic of Cyprus by entering the Nicosia FIR and the national airspace of the Republic of Cyprus without diplomatic permit and without contacting the Nicosia ACC.

Annex II to the letter dated 19 June 2017 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Naval violations

Dates	*Nature of violation*
1 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
1-2 May	One P-333 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
4-5 May	One P-336 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
6-8 May	One P-336 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
9-10 May	One P-336 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
10-11 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
11-12 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
12-13 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
16 May	One A-1600 Turkish vehicle-carrier vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta.
17-18 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
18-19 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
19-20 May	One Killic Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
20-21 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.

Dates	*Nature of violation*
21-22 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
22-23 May	One Killic Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
23-24 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
24 May	One P-1204 Turkish vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Keryneia.
24-25 May	One P-338 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
26-27 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
27-29 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.
29-31 May	One P-337 Turkish missile vessel violated the territorial waters of the Republic of Cyprus and illegally used the closed port of Famagusta while participating in a naval operation of the occupation forces.

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General Assembly
Seventy-first session
Agenda item 31
Prevention of armed conflict

Security Council
Seventy-second year

Letter dated 19 June 2017 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I am transmitting herewith for your attention the statement by the Ministry of Foreign Affairs of the Republic of Armenia on the flagrant violation of the ceasefire regime by the Azerbaijani armed forces along the line of contact between Artsakh and Azerbaijan, in which reference is made to the statement of 18 May 2017 issued by the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe (see annex).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

17-10333 (E) 230617

Please recycle

Annex to the letter dated 19 June 2017 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Armenia

17 June 2017

We express our deepest condolences to the relatives and fellow servicemen of soldiers who fell today and yesterday as a result of the flagrant violation of the ceasefire by the armed forces of Azerbaijan along the line of contact between Artsakh and Azerbaijan.

In their last statement, the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe condemned the ceasefire violations, identifying Azerbaijan as the first to open fire. It is with such provocations that Baku has reacted to this targeted statement, thus demonstrating its complete disrespect.

On the eve of the visit by the Co-Chairs, the high leadership of Azerbaijan is challenging the international community, first and foremost the Co-Chairs of the Minsk Group, by holding large-scale military drills without the relevant notification required under international commitments, continuously violating the 1994-1995 trilateral ceasefire agreements, as well as taking new steps aimed at the escalation of the situation. The absence of an adequate response could be perceived by Azerbaijan as encouragement for new adventurism.

It is obvious that Baku has failed to move the peaceful settlement process through its desired path and is now trying to create the illusion of gaining an advantage on the frontline, which is also doomed to fail and is fraught with unpredictable consequences, primarily for the side initiating the escalation of the situation.

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Prevention of armed conflict

Letter dated 15 June 2017 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to transmit to you a copy of a note verbale, dated 12 June 2017, from the Ministry of Foreign Affairs of the Republic of Armenia (see annex) addressed to the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica with regard to the reference to the Nagorno-Karabakh conflict in the joint press statement by the Ministers for Foreign Affairs of Azerbaijan and Costa Rica (A/71/921).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 31.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

17-10511 (E) 300617

Please recycle

Annex to the letter dated 15 June 2017 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Note verbale from the Ministry of Foreign Affairs of the Republic of Armenia addressed to the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica

With regard to the reference to the Nagorno-Karabakh conflict in the joint press statement by the Minister for Foreign Affairs and Worship of the Republic of Costa Rica, Manuel González Sanz, and the Minister for Foreign Affairs of the Republic of Azerbaijan, Elmar Mammadyarov, issued at San José on 2 June 2017, the Ministry of Foreign Affairs of the Republic of Armenia has the honour to communicate the following:

- The reference to the Nagorno-Karabakh conflict settlement, as it appears in the joint press statement, represents the Azerbaijani one-sided interpretation of the conflict and contradicts the position and the peace efforts of the only internationally agreed format of the conflict resolution — that of the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), comprising the United States of America, France and Russia.
- Since 2009, the Presidents of the Co-Chair countries have issued five statements underlining that the conflict resolution should be based on three principles of international law, namely, the non-use of force or threat of the use of force, territorial integrity and the equal rights and self-determination of peoples. Furthermore, they outlined the elements of the settlement, stressing that the future legal status of Nagorno-Karabakh should be determined through a legally binding expression of the will of its population.
- As the Co-Chairs have stated on numerous occasions, these principles and elements are conceived as an integrated whole, and any attempt to select some of them at the expense of others will make it impossible to achieve a solution.
- It is regrettable that the joint press statement does not refer to these internationally elaborated and endorsed principles and elements. Singling out the principle of territorial integrity, with complete disregard for the other two principles of the Nagorno-Karabakh conflict resolution, constitutes implicit support for one side of the conflict over the other, deviates from the principles of neutrality and impartiality and undermines the efforts of the Co-Chairs of the OSCE Minsk Group.
- The selective reference in the press statement to the 1993 Security Council resolutions as the basis for the Nagorno-Karabakh conflict resolution is highly irrelevant, since the said resolutions themselves do not pertain to the conflict settlement, but to the cessation of hostilities, which has been continuously violated by Azerbaijan itself.
- Furthermore, the name of the conflict as it appears in the joint press statement is used solely by Azerbaijan in its efforts to misinterpret the essence of the issue and does not correspond to the wording used by the Co-Chairs, who refer to it as "the Nagorno-Karabakh conflict".
- Azerbaijan's continuous attempts to mislead the international community and misrepresent the conflict settlement inflict serious damage on the negotiation process.

Needless to say, the Nagorno-Karabakh conflict resolution process is of a highly sensitive character. Therefore, strictly adhering to the wording and language used by the Co-Chairs of the OSCE Minsk Group while referring to the Nagorno-Karabakh conflict settlement efforts will contribute to remaining neutral and impartial, and will support peace efforts.

Yerevan, 12 June 2017

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Letter dated 16 June 2017 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to transmit the Malaga Youth Declaration (see annex), adopted at the 2017 Organization for Security and Cooperation in Europe (OSCE) Youth Conference, held on 25 and 26 May 2017 in Malaga, Spain, in the context of the implementation of Security Council resolution 2250 (2015).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(*Signed*) Román **Oyarzun**

17-10341 (E) 280617

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Annex to the letter dated 16 June 2017 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

Malaga Youth Declaration

We, young people from the participating States and partners for cooperation of the Organization for Security and Cooperation in Europe (OSCE), gathered in Mollina, Malaga, on the occasion of the 2017 OSCE Youth Conference, are convinced that youth mainstreaming brings added value to OSCE in achieving the goals and the purpose of the Organization and that young people can support participating States in implementing OSCE commitments in all three dimensions of OSCE, as recognized by the Ministerial Council of OSCE in its Declaration on Youth, adopted in Basel, and its Declaration on Youth and Security, adopted in Belgrade.

As a result of our discussions, we have made recommendations in the following areas:

(a) Youth, peace and security;

(b) Youth and social media: countering radicalization and extremism;

(c) Cybersecurity and the economic impact of malware;

(d) Youth environmental platforms: creating a sustainable world;

(e) Promoting tolerance and countering disinformation online;

(f) Youth political participation.

Recommendations

1. OSCE should develop a cross-cutting OSCE youth policy and establish an inclusive and representative OSCE youth consultative body with the authority to select an OSCE special representative for youth and security, supported by the secretariat and funded through the unified budget.

2. Engage a broad alliance of stakeholders, including formal and non-formal education providers, families, communities and at-risk youths, in preventing and countering violent extremism leading to radicalization and terrorism, through joint online efforts, such as information-sharing platforms, social media campaigns and educational workshops in local high schools, featuring emotionally engaging positive counter-narratives.

3. In order to address the lack of knowledge across society of cybersecurity issues, such as networks, personal data protection and evolving norms, States should support programming and other educational mechanisms to promote computer literacy and online security awareness, starting in primary school, with a special focus on young girls and women.

4. Identify the reasons for cyberthreats, promote social inclusion and integrity and reach out to vulnerable youth groups, creating opportunities and increasing motivation among young people to use their potential in a constructive manner. State and private entities should organize "hackathons" and international events with young professionals.

5. We, as young people, need tools to raise awareness among young people of the 2030 Agenda and its Sustainable Development Goals. We call upon the participating States to support youth initiatives that demonstrate a real impact on the environment

and contribute to strengthening security. In addition, we encourage the creation of platforms and networks to share knowledge, build capacities and exchange experience and new ideas among youth organizations and other stakeholders, by establishing clear mechanisms for youth engagement in the implementation, monitoring and review of the Sustainable Development Goals at all levels.

6. In order to enable young people to contribute to the transition to the green economy, we call upon the participating States, partners for cooperation and executive structures of OSCE to support youth campaigns on the benefits of the green economy and sustainable, innovative and greener initiatives. We believe that keeping young people active in research and development will provide a platform for quality dialogue and lead to more opportunities for sustainable employment through the creation of green jobs.

7. We encourage participating States and their formal and non-formal education systems to promote civic education and democratic values in order to strengthen the capacity of young people to critically engage with media and the digital world.

8. We call upon all media and digital actors to acknowledge their social responsibility and influence and their resulting accountability, by increasing the visibility of stories about young people and their opinions and views, with particular attention to vulnerable groups.

9. Support OSCE participating States in promoting youth impact assessment mechanisms in national legislation.

10. Establish structural mechanisms for the meaningful and inclusive participation of young women and men from participating States and partners for cooperation, such as an annual OSCE youth forum and regional youth platforms to build capacity and foster mutual understanding through dialogue.

Follow-up

We, the participants in the Youth Forum, call upon OSCE to consider the recommendations above containing the perspectives of our generation and to ensure follow-up on their inclusion and implementation in the work of the Organization.

We ask the Spanish Chair of the Group of Friends of Youth and Security to bring these recommendations to the attention of the executive structures, participating States and partners for cooperation of OSCE.

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Letter dated 21 June 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a press statement released by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 16 June 2017, with regard to the "sanctions" and "pressure" against the DPRK (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

17-10430 (E) 290617

Please recycle

Annex to the letter dated 21 June 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

Press statement of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea to the United Nations with regard to the "sanctions" and "pressure" imposed by the United States and its followers on the Democratic People's Republic of Korea

The despicable sanctions and pressure imposed on the DPRK by the U.S. and its vassal forces have reached an extreme.

The DPRK's development of nuclear force, which the U.S. and its vassal forces use as a pretext for sanctions, is an outcome of the extremely hostile policy of the U.S. and its nuclear threat against the DPRK and, hence, is a legitimate and righteous measure for self-defence to protect the sovereignty and the right to existence of the country and nation.

Not a single article or provision in the Charter of the United Nations and other international laws stipulates that a nuclear test or ballistic rocket launch poses a threat to international peace and security. If, nonetheless, anyone were ever to be held accountable for carrying them out, those countries that have conducted most of the nuclear tests and ballistic missile launches so far should be subject to sanctions before any others.

Nevertheless, the U.S. and other hostile forces have waged a constant sanctions and pressure campaign against the DPRK, taking issue with its exercise of the right to self-defence, and now they are openly pursuing the criminal intent to completely suffocate the DPRK's national economy and impoverish the people's livelihood.

Their sanctions have grown so utterly vicious and barbaric today as to try to obliterate the rights to existence and development of the State and people of the DPRK, destroy modern civilization and bring the world back into medieval darkness.

The very nature of these sanctions, running counter to human ethics and civilization, finds its expression in the fact that the hostile forces cooked up the so-called "sanctions resolutions" of the Security Council in the most despicable and heinous way and are enforcing them upon the international community.

The United Nations "sanctions resolutions" are so preposterous that the wide-ranging import and export prohibition or restriction enforced by them has included even luxury goods while listing numerous entities and individuals to be subject to sanctions, allegedly aiming to contain the DPRK's nuclear and ballistic missile-related activities. These "resolutions" are producing an endless series of bizarre and ridiculous episodes.

The prohibition on the export of underground resources, including coal, was indiscriminately expanded, and the control over "dual-use" items was exercised in such a careless way that these measures are having adverse consequences for the people's livelihood and normal economic activities.

Last year, the customs office of a certain country seized even frozen chicken, cosmetics packaging and zipper tab production equipment and materials, as well as frequency stabilizers and voltage regulators to be used at fishery stations, and returned them after several months.

These are only a few of the many cases that testify to the fact that the "sanctions resolutions" rigged up at the Security Council, allegedly to protect international peace and security, are actually pursuing the nefarious objective of impeding the development of the overall national economy of the DPRK.

"Resolution 2270 (2016)", coercively adopted at the Security Council, was weird enough to include recreational sports equipment in the list of luxury goods.

As a result, a country in Europe is prohibiting the export of sports equipment and apparatus, such as skis, yachts, mountaineering boots, snowmobiles, snow groomers and even billiard tables, to the DPRK for the reason of implementation of the "resolution".

Another country prohibits the export of sports apparatus, including sports firearms, ammunition and archery equipment, which the DPRK used to import regularly, for fear of violating the "sanctions resolutions".

In November 2016, seven sets of diving flippers addressed to the Rungna Dolphinarium in Pyongyang were confiscated by the customs office in a European country, as they were classified as luxury goods.

It had been decided to hold the 2017 World Junior Judo Championship and the 2018 International Weightlifting Federation Junior World Championship in the DPRK, but the venues have now been changed to other countries. One country has denied entry visas to the teams and delegations of the DPRK to attend the international sports tournaments, while the support grants legally provided by the International Olympic Committee and other international sports federations are not being remitted to the DPRK.

Archery equipment could never become ballistic rockets and sports rifles could never be used to launch nuclear warheads, but some countries, either overpowered by or blindly following the high-handed practices of the hostile forces, are bringing disgrace to the ideal and purpose of sports.

These brutal and barbarous sanctions and pressure have stretched out their claws to the public health and humanitarian areas as well.

The United Nations Children's Fund country office in the DPRK ordered 24.4 tons of antimalarial mosquito repellent (residual insecticide spray) from other countries in September 2016, but they were unable to sign a contract for the transport of the goods, as that would have breached the United Nations "sanctions resolutions". The goods could never leave their place of origin and have remained piled up in a warehouse for nine months as of today.

In November 2016, the country office procured 15 mobile X-ray units and a reagent for the diagnosis of tuberculosis, but the delivery was delayed for six months for the reason that those were classified as "dual-use" items by the United Nations "sanctions resolutions" on the DPRK.

In January 2017, 100,000 ampoules of ephedrine imported by a health company of the DPRK were unreasonably seized, although the company had gone through the procedure of informing the International Narcotics Control Board in advance, as per the regulations.

The fact that items urgently needed for the treatment of chronic diseases are subject to sanctions for such absurd reasons as "dual-use" proves that the clause in the "sanctions resolutions" that underlines that the measures imposed by the resolutions are "not intended to have adverse humanitarian consequences for the civilian population of the DPRK" is only a deception and that the "sanctions" are actually targeting the daily life and the very existence of the people of the DPRK.

Some countries in Europe refuse to grant basic diplomatic privileges and immunities to DPRK diplomatic passport holders and treat them with impudence by randomly searching their luggage and confiscating used household items, cosmetics and even carbonated drinks and children's bicycles, in flagrant disregard of universally recognized legal norms and practices.

They are so crazy and obsessed about "sanctions" that diplomats do not make any difference to them and children's bicycles, refrigerators, kitchen utensils and hairdryers appear to be weapons of mass destruction-related items.

As seen above, the sanctions and blockade racket aimed at isolating and suffocating the DPRK is going beyond the limits.

The U.S. is the primary mastermind of this frantic campaign of sanctions and pressure on the DPRK.

Not only did the U.S. fabricate the unprecedented, vicious "sanctions resolutions" against the DPRK by abusing the mandate of the Security Council, and make attempts to drag all the countries of the world into their implementation, but it maliciously resorted to "unilateral sanctions" against the DPRK, claiming to close a loophole in the United Nations sanctions.

The "sanctions" of all sorts that the U.S. has imposed on the DPRK for more than half a century are now becoming all the more reckless, backed by such evil laws as the "North Korea Sanctions and Policy Enhancement Act of 2016".

The newly emerged Trump administration announced "maximum pressure and engagement" as its policy towards the DPRK, and continues to invent different kinds of "sanctions", including "sanctions on specially designated nationals", which targeted even the supreme dignity of the DPRK, in an attempt to comprehensively furnish its domestic law to accommodate the "unilateral sanctions" on any entity or individual of the DPRK.

A quick calculation shows that 15 Party and Government organs, 73 firms and entities and about 90 individuals of the DPRK are currently on the sanctions list, together with 16 airplanes and 20 trade cargo ships, but hardly any of them are associated with the munitions area at all.

The U.S. is also making desperate and frenzied moves to involve other countries in the "sanctions" campaign against the DPRK.

The U.S. state secretary said on a recent occasion that the U.S. had made it clear to all countries, including China and Russia, that they should join in imposing "sanctions" on the DPRK. He also said that if a country claims that the total amount of its trade with the DPRK does not exceed $5 million, the U.S. would ask the country to reduce it to $2 million. This fully reveals the true colours of the U.S. as a gang of muggers.

The U.S. has employed a "secondary boycott" to achieve its wicked aim, and businesspersons and firms of several countries, including China and Russia, have already fallen victim to it and suffered huge losses in their economic activities and business management, as they were unreasonably put on the sanctions list of the U.S.

Besides, the U.S. is coercing all the countries that established diplomatic relations with the DPRK to sever the relations or scale down their level, in a blatant violation of international laws, including the Charter of the United Nations and the Vienna Convention on Diplomatic Relations.

Except for one Latin American country and two or three Asian countries that show signs of having attempted to reduce the number of DPRK diplomats in their

countries under the pressure of the U.S., the overwhelming majority of the countries resolutely reject the U.S. demand, regarding it as interference in their internal affairs, or simply ignore it.

The sanctions campaign waged by the U.S. and its vassal forces is a heinous act of hostility and aggression against the DPRK to deprive it of its sovereignty and right to existence and development, and to overthrow its ideology and system by all means.

If the high-handed and arbitrary practices of the U.S. are tolerated, allowed and sympathized with, their spearhead will eventually be levelled at the other countries adhering to independence, and the world will plunge into a gloom where the U.S. holds sway over everything.

The U.S. and its vassal forces, which always suffer crushing defeats in the overall politico-military confrontation with the DPRK, may resort to much more despicable and barbarous sanctions, but they can never check the advance of the DPRK, marching towards the final victory in the building of a powerful socialist country by dint of self-reliance and self-development.

As the U.S. and other hostile forces become more frantic in their moves to impose the toughest sanctions and pressure on the DPRK, the hatred and rage of the army and people of the country will only grow stronger and the DPRK will further speed up the strengthening of its nuclear force to root out the base of aggression and all evils.

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Letter dated 21 June 2017 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a commentary of the Ministry of Foreign Affairs of Ukraine on the attack on the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine patrol in Yasynuvata conducted by illegal armed groups on 20 June 2017 (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

17-10458 (E) 230617

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Annex to the letter dated 21 June 2017 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the attack on the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine patrol in Yasynuvata by illegal armed groups

21 June 2017

The Ministry of Foreign Affairs of Ukraine strongly condemns the constant provocations, pressure and threats by pro-Russian militants against observers of the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission to Ukraine in the temporarily occupied territories of certain areas of the Donetsk and Luhansk regions of Ukraine.

The latest attack on the patrol of OSCE Special Monitoring Mission observers on 20 June 2017 in the town of Yasynuvata is a cause for significant concern. According to the OSCE Special Monitoring Mission spot report, militants armed with machine guns fired in the direction of OSCE patrol vehicles, attempted to access the vehicles, threatened the observers with weapons and smashed the glass of one of the vehicles.

We consider this assault to be an attempt by the Russian Federation and the illegal armed groups controlled by Russia to further intensify the intimidation of OSCE observers, to restrict their access to uncontrolled territories and to obstruct the implementation of the mandate of the Special Monitoring Mission.

We demand that the Russian Federation fulfil its obligations under international law and the Minsk agreements, guarantee the security of and stop its provocations against OSCE observers, and ensure full freedom of movement and unimpeded access of the Special Monitoring Mission to the entire occupied territory in certain areas of Donetsk and Luhansk regions, including the part of the Ukrainian-Russian border temporarily not controlled by Ukraine.